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LEGISLATIVE HISTORY

Public Law 86-790
S. 2761

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INDEX AND SUMMARY OF S. 2761

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| Jan. 7, 1960 | Sen. Morse introduced S. 2761 which was referred to Senate Judiciary Committee. Print of bill as introduced and remarks of author. |
| Aug. 22, 1960 | Senate committee reported S. 2761 without amendment. S. Report No. 1862. Print of bill and report. |
| Aug. 25, 1960 | Senate passed S. 2761 without amendment. |
| Aug. 26, 1960 | S. 2761 was referred to House Agriculture Committee. Print of bill as referred. |
| Aug. 29, 1960 | House committee voted to report (but did not actually report) S. 2761. |
| Aug. 30, 1960 | House committee reported S. 2761 without amendment. H. Report No. 2204. Print of bill and report. House passed S. 2761 without amendment. |
| Sept. 14, 1960 | Approved: Public Law 86-790. |

DIGEST OF PUBLIC LAW 86-790

VALIDATION OF EMERGENCY CONSERVATION PAYMENTS. Provides that payments made under the item entitled "Emergency Conservation Measures, Agricultural Conservation Program Service," in the Third Supplemental Appropriation Act, 1957, for emergency conservation measures carried out between January 1, 1956 and June 21, 1957, shall, if otherwise proper, not be considered invalid by reason of the fact that they were made for measures carried out prior to the enactment of the Act. The payments involved were made to farmers carrying out emergency conservation measures in the Milton-Freewater area of Oregon which had been declared a disaster area due to a freeze which destroyed their orchards. (The Comptroller General ruled that such payments were not valid since they were made prior to the enactment of the Third Supplemental Appropriation Act of 1957.)

Jan 7, 1960

10. FOREIGN AFFAIRS. Received from the President the semi-annual report of operations of the mutual security program (H. Doc. 231). p. 69
11. ADJOURNED until Mon., Jan. 11. p. 134

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12. PRESIDENT'S MESSAGE. Both Houses received the President's message on the state of the Union (H. Doc. 241). pp. 135-9
13. HONEYBEES. Received from this Department a proposed bill to regulate the importation of adult honeybees of all species and subspecies, to Agriculture Committee. p. 150
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19. POSTAL SERVICE. S. 2749, by Sen. Johnston, S. Car., (for himself and Sen. Carlson), to amend section 104(b) of the Postal Policy Act of 1958; to Post Office and Civil Service Committee.
S. Res. 209, by Sen. Johnston, S. Car., pertaining to investigation of the postal service; to Post Office and Civil Service Committee.

20. SPECIAL MILK. S. 2751, by Sen. Humphrey (for himself and Sen. McCarthy), and H. R. 9469, by Rep. Wolf, to increase the authorized maximum expenditure for the fiscal years 1960 and 1961 under the special milk program for children; to S. Agriculture and Forestry Committee and H. Agriculture Committee.
21. DISASTER RELIEF. S. 2761, by Sen. Morse, and H. R. 9468, by Rep. Ullman, to validate payments made for certain emergency conservation measures under the program authorized by the Third Supplemental Appropriation Act, 1957; to S. Judiciary and H. Agriculture Committees. Remarks of Sen. Morse. pp. 94-5
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24. WHEAT QUOTAS. S. 2759, by Sen. Ellender, to strengthen the wheat marketing quota and price support program; to Agriculture and Forestry Committee. Remarks of author. pp. 93-8
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CHICAGO, ILL., June 25, 1959.

Mr. H. P. OLDHAM,
Grand Director, National Association of Retired and Veteran Railway Employees,
Portland, Oreg.

DEAR MR. OLDHAM: We can only make rough estimates of the information you requested in your letter of June 16, 1959. They are as follows:

1. Number of spouse annuitants on the board's beneficiary rolls on July 1, 1959, who will be receiving social security benefits in their own right—10,000.

2. Number of spouses expected to make application for reduced annuities during fiscal year 1959-1960—25,000.

(We have no basis for estimating the number in this group entitled to their own social security benefits, but do not believe it is fiscal year 1959-60—25,000.)

3. Estimated cost of restoring dual benefits to spouses with social security benefits in their own right—about 0.2 percent of taxable payroll, equivalent to a little over \$11 million a year on a level basis.

I am glad to be able to help you in this matter.

Sincerely yours,

HORACE W. HARPER.

PORTLAND, OREG., UNIT, No. 55,
NATIONAL ASSOCIATION OF RETIRED
AND VETERAN RAILWAY EMPLOYEES,
Tigard, Oreg., August 25, 1959.

Mr. GUY F. FAIR,
Grand President,
Glendale, Ohio

DEAR BROTHER FAIR: Attached copy of proposed bill and argument for restoration of dual benefits to spouses, which was prepared by chairman of our legislative committee and approved by our legislative committee and at our regular meeting August 7, 1959, was approved by all present with a suggestion this bill be introduced at this session of Congress and followed up vigorously for early enactment. A copy of this is being mailed to all units for their information and such comments as they may wish to make to you.

Sincerely yours,

GEO. M. LESLIE,
Secretary-Treasurer.

OCTOBER 24, 1959.

Mr. H. P. OLDHAM,
Chairman, Legislative Committee, Portland Unit No. 55, National Association of Retired and Veteran Railway Employees
Portland, Oreg.

DEAR MR. OLDHAM: In going over my accumulated work, I find your letter of September 21 in which you requested the introduction of a bill for restoration of dual benefits to spouses who are also recipients of personal social security benefits.

As I indicated at the Portland meeting, I shall be glad to introduce a bill of that type and you may be sure that I shall do everything possible to obtain hearings. In all frankness, I should tell you that the likelihood of committee action in what is predicted to be a very short session of Congress is somewhat doubtful, but I shall work to the best of my ability to get hearings and consideration of your amendment despite the odds against committee action.

May I take this opportunity to again express my best regards to the members of your organization. I enjoyed very much meeting with you in Portland.

With kindest regards,

Sincerely,

WAYNE MORSE.

NATIONAL ASSOCIATION OF RETIRED
AND VETERAN RAILWAY EMPLOYEES,
Portland, Oreg., September 21, 1959.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR: I presume you have received a proposal to amend the Railroad Retirement Act of 1937 as amended, from the secretary of Portland unit, No. 55, for restoration of dual benefits to spouses having social security in their own rights.

We feel this inequity should be corrected as soon as can be done to relieve quite a number whose annuities are in the low bracket, and still not overburden the railroad retirement fund, nor need a tax increase to cover.

There are over 700 members in this Portland Unit, No. 55, and we hope to have 750 by the end of the year.

There are some 300 in Eugene, and no doubt Eugene unit will ask Congressman Porter to introduce in House. Roseburg, No. 58, has near 250, I am told, and all these units are enjoying a steady growth.

We know you are chairman of the Senate Subcommittee on Labor and Public Welfare, our friend, and the proper person for us to ask for introduction. We know the importance of early introduction, as you impressed our committee in conference on this point on a previous occasion. It was my intent as chairman of the Portland unit to submit this proposal when the recent amendments were disposed of. An automobile accident in June grounded me for some time and prevented action.

We do not feel a general increase for all beneficiaries is warranted until it is determined what the effect of last amendments do. I do hope you will comply with Portland unit's request and introduce the proposals.

I hope to see you and confer on this and other matters at an early date.

Sincerely,

H. P. OLDHAM,
Chairman, Legislative Committee,
Portland Unit No. 55.

OCTOBER 21, 1959.

Mr. H. P. OLDHAM,
Portland, Oreg.

DEAR MR. OLDHAM: Thanks very much for your kind note of October 19, and for sending the list of names of people who desire to be put on my mailing list.

Please be assured that it was a great pleasure for me to speak before Unit 55 of your association. The audience was very kind to me and I was very glad to have an opportunity to bring to them my point of views on the various matters that I discussed.

I shall look forward to your legislative committee submitting to me, before now and the beginning of the next session of Congress, a detailed report on the legislation that you want me to introduce at the next session of Congress. I shall be glad to do anything that I can to help advance the legislative interests of the members of your association.

With kindest personal regards.

Sincerely,

WAYNE MORRIS.

STRENGTHENING OF WHEAT MARKETING QUOTA AND PRICE SUPPORT PROGRAM

Mr. ELLENDER. Mr. President, I introduce, for appropriate reference, a bill, the purpose of which is to strengthen the wheat marketing quota and price support program. As a mat-

ter of fact, the bill follows largely the conference report which was agreed upon by the House and the Senate during the last session of Congress, with very few changes.

The bill provides for a support price of 80 percent of parity, with a 20-percent cut in acreage for the first year, that is, for the crop of 1961.

For the crop of 1962 the support price would be reduced to 75 percent of parity, with an additional 5-percent cut in acreage.

Thereafter, in subsequent years, the supports would be reduced by 5 percent, until the support price reached 65 percent of parity. Thereafter, the price support would not be further decreased.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2759) to strengthen the wheat marketing quota and price support program, introduced by Mr. ELLENDER, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. ELLENDER. Mr. President, at this point I ask unanimous consent that a short explanation of the bill be incorporated in the body of the RECORD.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

This bill, with respect to the 1961 and subsequent wheat crops, would—

(1) Provide price support at 80 percent of parity for the 1961 crop, 75 percent for the 1962 crop, 70 percent for the 1963 crop, and 65 percent for the 1964 and subsequent crops;

(2) Reduce each farm acreage allotment by 20 percent for the 1961 crop, and 25 percent for the 1962 and subsequent crops;

(3) Prevent the diversion of such acreage reduction to other price-supported crops in 1961 (by conditioning wheat price support on reducing the acreage of price supported crops below the 1958-59 average by an acreage equal to the percent of reduction);

(4) Provide a payment in kind in 1961 (one-third average annual yield) on acreage equal to such percent of reduction, if such acreage is not harvested or grazed;

(5) Impose penalties on the actual yield of the excess acres (or double the normal yield if the actual yield is not shown);

(6) Increase the marketing penalty to 65 percent of parity (from 45 percent);

(7) Reduce the 15-acre exemption to 12, and restrict it to farms which planted wheat in 1958, 1959, or 1960 and to producers who produce wheat on only one farm;

(8) Remove the 30-acre limitation on the feed wheat exemption; and

(9) Restrict to farms complying with their allotments the right to withdraw wheat stored from a previous crop to avoid penalty.

The bill would also (a) repeal the 200-bushel exemption; (b) prevent an acreage history penalty where, by reason of production failure, the producer has no marketing excess which he can store to avoid such a penalty; (c) repeal authority for price support for noncooperators for any basic agricultural commodity; and (d) repeal a provision requiring the county agent or the local committee chairman to keep an additional copy of the acreage allotment list for each commodity.

BRaille MUSIC FOR THE BLIND

Mr. MORSE. Mr. President, I introduce, for appropriate reference, a bill to establish a library of braille musical scores within the Library of Congress.

My bill would make musical scores available on a loan basis to blind residents of the United States and its possessions under regulations prescribed by the Librarian. The bill would further authorize the appropriation of such Federal funds as may be required for this purpose.

Mr. President, the American Foundation for the Blind estimates that as of July 1, 1959, there were about 355,000 persons in the United States who are considered legally blind in that they have no more than 10 percent of normal vision, even with the assistance afforded by correction. Of this number about 13,000 are blind children attending school.

It is a known fact that persons afflicted with blindness are often unusually sensitive to music, and their participation in this universal language has not only brought great pleasure and culture to the sighted but has helped the visually handicapped to lead richer lives and to communicate with others. Furthermore, braille musical scores have enabled many blind persons to become gainfully employed.

It is true that certain regional libraries—eight, to be exact—do lend braille musical scores, but the listings in the catalogs are definitely limited. The lesser known works as well as selections for such instruments as flute, oboe and bassoon are generally not available. It is also true that certain organizations have braille musical scores for sale only, scores that may neither be borrowed nor exchanged. These, of course, are of real value but many, if not most blinded persons are of limited financial means and cannot afford to purchase the braille music library they desire and need.

I should like to call your attention to the fact that a prominent Oregon attorney, Mr. Nicholas Granet, of Portland, who is also vice chairman of the Oregon State Blind Commission, has urged the introduction of a bill for the establishment of a complete braille music library within the Library of Congress for free rental to all blind persons in the United States.

The Oregon State Blind Commission unanimously adopted a resolution suggesting that a bill be introduced in Congress for the establishment of a complete braille music library.

Mr. President, I wish the RECORD to show that I intend personally to support the recommendations of Mr. Granet, and shall work to the end of accomplishing the goals he has in mind.

It is my sincere hope that this bill will receive favorable and enthusiastic consideration by the Congress in the knowledge that it will not only open the way for many who must otherwise live in darkness but will also bring pleasure and comfort to those of us who are more fortunate.

Mr. President, I shall work to the end of seeking to bring greater human hap-

piness to these unfortunate people. I shall never place a balanced budget ahead of more balanced lives for our unfortunate blind brethren.

I respectfully request early consideration and hearings on the bill.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2760) to establish a library of Braille musical scores within the Library of Congress, introduced by Mr. MORSE, was received, read twice by its title, and referred to the Committee on Rules and Administration.

VALIDATION OF MILTON-FREE-WATER ORCHARD EMERGENCY PAYMENTS

Mr. MORSE. Mr. President, I introduce, for appropriate reference, a bill designed to provide equitable relief to Oregon farmers in the Milton-Freewater area who were seriously affected in the freeze of 1955.

The Senate will recall that in the 85th Congress legislation was enacted which did much to enable the farmers and fruitgrowers of the area to reestablish themselves and their orchards. Unfortunately, however, a question was raised by the General Accounting Office as to the dates for which payments under Public Law 85-58 could be made. In order to avoid any possible question on this score and in order to make absolutely clear the legislative intent, I requested that the Department of Agriculture provide me with draft legislation which would authorize payments for the emergency conservation measures carried out between January 1, 1956, and June 21, 1957. The bill provides that these payments, if otherwise proper shall not be considered invalid by reason of the fact that they were made for measures carried out prior to the enactment of the public law.

I ask unanimous consent that the text of the bill, together with correspondence from the Comptroller General to the Secretary of Agriculture, dated November 24, 1959, be printed at this point in my remarks.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the text of the bill and the correspondence will be printed in the RECORD.

The bill (S. 2761) to validate payments made for certain emergency conservation measures under the program authorized by the Third Supplemental Appropriation Act, 1957, introduced by Mr. MORSE, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That payments which have heretofore been made under the program authorized by the Third Supplemental Appropriation Act, 1957, under the item entitled "Emergency Conservation Measures, Agricultural Conservation Program Service", for emergency conservation measures carried out between January 1, 1956, and June 21, 1957, shall, if otherwise proper, not be considered invalid by reason of the

fact that they were made for measures carried out prior to the enactment of said Act.

The correspondence presented by Mr. MORSE is as follows:

COMPTROLLER GENERAL OF THE
UNITED STATES,
Washington, November 24, 1959.

THE HONORABLE THE SECRETARY OF AGRICULTURE.

DEAR MR. SECRETARY: By letter of August 7, 1959, Assistant Secretary E. L. Peterson presented for our consideration the question as to whether emergency conservation measures undertaken as far back as January 1, 1956, may be eligible for cost-sharing under the program authorized by the Third Supplemental Appropriation Act, 1957, Public Law 85-58, approved June 21, 1957, under the item entitled "Emergency Conservation Measures, Agricultural Conservation Program Service."

The portion of the Third Supplemental Appropriation Act, 1957, referred to above (71 Stat. 176) provides in pertinent part as follows:

"For an additional amount to enable the Secretary to make payments to farmers who carry out emergency measures to control wind erosion on farmlands or to rehabilitate farmlands damaged by wind erosion, floods, hurricanes, or other natural disasters when, as a result of the foregoing, new conservation problems have been created which, (1) if not treated, will impair or endanger the land, (2) materially affect the productive capacity of the land, (3) represent damage which is unusual in character and, except for wind erosion, is not the type which would recur frequently in the same area, and (4) will be so costly to rehabilitate that Federal assistance is or will be required to return the land to productive agricultural use, * * *."

The Assistant Secretary advises that upon approval of Public Law 85-58, Supplement 3 to the 1957 National Agricultural Conservation Program was issued authorizing cost-share payments for emergency conservation practices carried out on or after July 1, 1956, and on or before December 31, 1957, the end of the program year of the regular 1957 Agricultural Conservation Program in connection with which the emergency program was carried out. Thus, supplement 3 authorized payment for practices performed prior to approval of Public Law 85-58, that is, work performed during the period from July 1, 1956, the beginning of fiscal year 1957, to June 21, 1957, the date of approval of the act. While the Assistant Secretary indicates that your Department is satisfied that the act authorized payments covering that period, he states that it now has been determined that some of the work for which cost-sharing was paid from the emergency funds appropriated by Public Law 85-58 was carried out prior to July 1, 1956. He further states that, although the regulations specifically stated that practices must have been carried out on or after July 1, 1956, and farmers applying for payment certified that the practices had been carried out in accordance with applicable regulations, investigations conducted by your Department have not disclosed that any farmer who received the payment for practices carried out prior to July 1, 1956, was actually aware that such practices were not eligible under the regulations. The letter indicates that it is the desire of your Department not to demand refund of payments made for otherwise eligible emergency conservation measures carried out prior to July 1, 1956, and supports the propriety of such desire with the contention that, inasmuch as the act authorizing the emergency program was a supplemental appropriation act, the funds appropriated thereby are available for the same period as

those appropriated by the basic appropriation act and that, since the basic appropriation act (the Department of Agriculture and Farm Credit Administration Appropriation Act, 1957, 70 stat. 233) appropriated \$227,500,000 for cost-sharing in connection with conservation practices carried out during the period July 1, 1955, to December 31, 1956, the funds here in question should be available for the same period.

Generally, a supplemental appropriation act merely appropriates additional funds for the same purposes and programs as the basic appropriation act and subject to the same conditions and restrictions. The funds appropriated by such an act are at least technically available for the same period of time as the funds for the same purpose appropriated by the basic appropriation act. However, it is obvious that the supplemental funds are not actually available for use until they are appropriated and hence cannot be spent or obligated prior to the effective date of the supplemental appropriation act.

In the present instance, the quoted portion of Public Law 85-58 does not appropriate additional funds for the same purposes and programs and subject to the same conditions as the basic appropriation act but, on the contrary, sets up a separate and distinct program for emergency conservation measures, subject to entirely different conditions. Further support for the separateness of this emergency program, if any be required, is furnished by the fact that subsequent appropriations therefor and references thereto appear in Public Laws 85-170 and 85-766 under the separate heading "Emergency Conservation Measures" in the section for the agricultural conservation program service, whereas the funds and authorizations for the regular agricultural conservation program appear in that section in the subsequent appropriation acts for 1958 and 1959 (Public Laws 85-118 and 85-459, respectively) without the separate heading. Thus, the period of time during which regular conservation program practices could be performed to be eligible for cost-sharing payments from the \$227,500,000 appropriated by the Department of Agriculture and Farm Credit Administration Appropriation Act, 1957, for the regular program has no bearing on the period during which emergency conservation measures could be performed to be eligible for cost-sharing payments from the \$4 million appropriated by the Third Supplemental Appropriation Act, 1957, for the separate and distinct emergency program authorized by the latter act. It should be noted that, while the former act specifically made funds appropriated thereby available to pay for practices carried out prior to its enactment, those practices were carried out under authority contained in the prior appropriation act. This method of authorization and subsequent appropriation has been followed for years in the regular conservation program, whereas the authority for the emergency program is contained in the same act that appropriated funds therefor. Since the authorization for the emergency program did not exist prior to the approval of Public Law 85-58 on June 21, 1957, there does not appear to be any authority to pay for practices carried out prior to that date.

The Assistant Secretary's letter refers to the Third Supplemental Appropriation Act, 1954, Public Law 357, 83d Congress, approved May 11, 1954, 68 stat. 88, as an example of similar emergency legislation in the past which had been applied retroactively. However, that act did not set up a separate emergency program but specifically stated that the funds appropriated thereby were an additional amount for the regular program previously authorized by the Department of Agriculture Appropriation Act, 1954, and specifically authorized payments "to farmers who carry out emergency wind

erosion control measures under the 1954 agricultural conservation program after March 30, 1954." Thus, the program conducted under authority of Public Law 357 is clearly entirely different in nature from that established by Public Law 85-58, which is separate from the regular program and does not contain specific authority to pay for practices carried out prior to its enactment.

It is a well established principle of statutory construction that a statute is for prospective application only, in the absence of specific provision to the contrary. As previously indicated, Public Law 85-58 obviously does not specifically authorize payments for practices carried out prior to its enactment. Likewise there is nothing in the legislative history of the provision in question to indicate such an intention. Even the discussion on the floor of the Senate on April 17, 1957, in connection with House Joint Resolution 310, referred to in the letter of August 7, 1959, from the Assistant Secretary and published in the CONGRESSIONAL RECORD, volume 103, part 5, page 5894, gives no indication of an intention to pay for practices carried out prior to enactment of the legislation. In fact, it tends to indicate the contrary. In response to a question from Senator MORSE as to whether the proposed authority for emergency conservation measures would include a freeze as a natural disaster and thus make the freeze struck orchardists in Oregon eligible for aid thereunder, Senator HAYDEN answered in the affirmative, referred to the four conditions stated in House Joint Resolution 310 (which are identical with those subsequently enacted in Public Law 85-58 and quoted above), and stated that "under these circumstances the money would be available—if this were a disaster—for land treatment measures." In the same discussion, Senator NEUBERGER stated:

"Mr. President, I particularly wish to join with my colleague in expressing appreciation to the Senator from Arizona, because the orchardists in our State, particularly in the Milton-Freewater area, were caught by the disastrous freeze of 1955, and have never recovered from it. Entire orchards were as effectively wiped out as if a fire had swept them. The answer of the distinguished chairman of the Appropriations Committee is very reassuring. I have had many letters from those orchardists in recent weeks who are dependent on such emergency credit to make any start on restoration of their orchards."

This statement indicates an expectation of prospective application of the act and, while it is not completely incompatible with a retroactive application, it affords no positive support therefor.

The appropriation language in Public Law 85-58 was contained originally in H.R. 4249, 85th Congress, on which the following comment is contained in House Report No. 24, 85th Congress:

"A question has been raised as to whether or not authority for payments under this program should be made on a retroactive basis. It has been pointed out that payments for future work to be done gives farmers who have not yet done the necessary work an advantage over farmers in the same area who have already protected their land with such practices at their own expense.

"The committee can fully appreciate and is sympathetic to this point of view. In view of the precedents established on this point, however, it does not believe that authority exists for it to reach back and repay farmers or others for work already done or expenses already incurred.

"The basic legislation supporting this type of activity makes no provision for such retroactive payments. Further, Congress has consistently resisted efforts to enter into retroactive assistance of this kind. Also, such action would raise numerous policy

questions such as: How far back should such feature go; who should be included; and what area of the country should be included?"

While the language was justified at that time primarily for the purpose of controlling wind erosion on farm lands, the reasons stated by the committee for denying retroactive payments would be equally applicable to any conservation program under the emergency conservation appropriation. The language was amended on the Senate floor to provide for certain retroactive payments, but the language did not become law and only the original language was included in the Third Supplemental Appropriation Act, which was enacted as Public Law 85-58.

In our opinion Public Law 85-58 did not authorize payments for emergency conservation measures carried out or expenses incurred prior to the date of its enactment and therefore we cannot approve your proposal.

We have considered the fact that your Department, immediately after passage of Public Law 85-58, advised various Members of Congress and interested committees of your intention to authorize cost-share payments under the act for emergency conservation measures carried out subsequent to July 1, 1956, and that no objection thereto was raised. Such action subsequent to the passage of the act is not a part of its legislative history and does not afford a proper legal basis for the construction placed thereon by your Department. However, in view of the length of time which has elapsed since the improper payments were made, the nature of the program involved, and the fact that the payments were made in accordance with regulations issued by your Department which neither the officials making the payments nor the farmers receiving them had any reason to believe were not proper, we will not require recovery from the farmers who received otherwise proper payments for emergency conservation measures carried out subsequent to July 1, 1956. Since the payments for measures carried out prior to July 1, 1956, covered a period of time beyond even that contemplated by your regulations, collection thereof must be required. However, in the light of the reported fact that the farmers who received payments for measures performed prior to July 1, 1956, were innocent of any wrongful intent, we will not object to holding collection action in abeyance during the next session of Congress if your Department desires to request legislation from Congress which would validate these payments.

Sincerely yours,

JOSEPH CAMPBELL,

Comptroller General of the United States.

EXTENSION OF LIBRARY SERVICES ACT

Mr. COOPER. Mr. President, I introduce, for appropriate reference, a bill to extend for 5 years the Library Services Act, Public Law 597 of the 84th Congress. This act provides to the States Federal matching grants for the extension and improvement of public library service in rural areas.

Mr. President, because a number of Senators are very much interested in the Library Services Act and in the very human need, which it helps to fill, of bringing information of educational and cultural value to the people of rural areas, I ask unanimous consent that the bill I have introduced lie at desk through the close of business on Monday, January 11, for cosponsors.

The PRESIDENT pro tempore. The bill will be received and appropriately

referred; and, without objection, the bill will lie on the desk, as requested by the Senator from Kentucky.

The bill (S. 2764) to extend for 5 years the authorization for appropriations for the Library Services Act, introduced by Mr. COOPER, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

Mr. COOPER. Mr. President, in this connection, I should like to say that if the senior Senator from Alabama [Mr. HILL] desires to introduce a similar bill, on his own behalf—and I think it quite possible that he may, because of the fact that he was the author of the present act—I would certainly defer to him, and would be glad to have him take the initiative in this matter, as I am sure he will.

Mr. President, the act of June 19, 1956, is scheduled to expire on June 30, 1961. The work contemplated under this act will not have been completed, and the goals planned under the act for the development of State and local rural library services will not have been reached in that time—primarily because the amount appropriated for the program has been substantially less than the amount authorized by the Congress. While I believe it is true that under the able and devoted leadership of the senior Senator from Alabama, chairman of the appropriations subcommittee concerned as well as chairman of the Labor and Public Welfare Committee which reported the original bill, the Senate has each year increased the appropriation for the library services program, and the Congress has appropriated more than the budget recommendation—and I may say I have consistently urged the full appropriation—yet much remains to be done.

Secondly, I believe it is generally recognized that this work has proved so very worth while, has been welcomed so gratefully by rural people, and has been so effective in encouraging the States to do more to develop library services for all their people, that the act ought not be allowed to lapse.

It is important to extend the act this year so that there will be no gap in annual appropriations, and more particularly in order to insure that an amount for fiscal 1962 will be included in the regular budget recommendations, which will be prepared later this year. As my colleagues know, it has taken several years to bring this Federal assistance up to the full level of \$7½ million authorized by the act, which it reached for the first time this year. Extending the Library Services Act at this time should assure continuity of the program, and I hope the Senate Committee on Labor and Public Welfare will report a bill to do so. I believe the Department of Health, Education and Welfare will recommend that the act be extended, and that the administration will support this action.

In introducing this bill, I wish to call particular attention to the leadership of the senior Senator from Alabama, the author of the original Senate bill and certainly the person who, more than all others, has been responsible for guiding and encouraging this very human work. I also wish to acknowledge the efforts of

the American Library Association, which has given its full support to the act and to appropriations for the program, and the constant support of the Kentucky Library Association, Miss Margaret Willis of the Kentucky Library Extension Division, the Friends of Kentucky Libraries, and the many others who have taken such keen interest in the rural library program.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point a table showing the appropriations for the library service program in each of the past 4 years, together with a statement supporting the extension of the act.

There being no objection, the table and statement were ordered to be printed in the RECORD, as follows:

Appropriations for Library Services Act

[In millions]

| Fiscal | Office of Education request | HEW request | Budget recommendation | Passed by House | Passed by Senate | Appropriated |
|-----------|-----------------------------|-------------|-----------------------|-----------------|------------------|------------------|
| 1957..... | \$7.5 | \$7.5 | ¹ \$7.5 | | \$7.5 | \$2.05 |
| 1958..... | 7.5 | 5.0 | 3.0 | \$5.0 | 5.0 | 5.0 |
| 1959..... | 7.5 | 5.0 | 3.0 | 5.0 | 6.0 | 6.0 |
| 1960..... | 7.5 | 6.0 | 5.15 | 6.0 | 7.5 | ² 6.0 |

¹ Supplemental request.

² Provided allotments on basis of \$7.5 million.

Federal allotments and the matching expenditures in effect for fiscal year 1960

| States and outlying parts | Federal allotment | Matching expenditure |
|---------------------------|-------------------|----------------------|
| Total..... | \$7,500,000 | \$6,738,796 |
| Alabama..... | 207,576 | 106,933 |
| Arizona..... | 72,485 | 54,415 |
| Arkansas..... | 164,544 | 84,765 |
| California..... | 239,322 | 398,530 |
| Colorado..... | 88,084 | 82,160 |
| Connecticut..... | 83,689 | 169,914 |
| Delaware..... | 51,585 | 104,733 |
| Florida..... | 133,235 | 108,571 |
| Georgia..... | 223,578 | 124,674 |
| Idaho..... | 72,729 | 49,690 |
| Illinois..... | 230,178 | 352,699 |
| Indiana..... | 193,574 | 195,989 |
| Iowa..... | 173,427 | 130,192 |
| Kansas..... | 128,820 | 102,372 |
| Kentucky..... | 121,203 | 113,953 |
| Louisiana..... | 154,010 | 94,483 |
| Maine..... | 83,921 | 59,382 |
| Maryland..... | 110,896 | 125,855 |
| Massachusetts..... | 111,213 | 140,642 |
| Michigan..... | 221,976 | 271,853 |
| Minnesota..... | 172,203 | 143,882 |
| Mississippi..... | 193,061 | 99,456 |
| Missouri..... | 188,210 | 175,551 |
| Montana..... | 72,427 | 56,642 |
| Nebraska..... | 108,519 | 81,100 |
| Nevada..... | 46,667 | 73,361 |
| New Hampshire..... | 62,051 | 52,582 |
| New Jersey..... | 103,213 | 165,991 |
| New Mexico..... | 73,042 | 48,715 |
| New York..... | 249,152 | 418,637 |
| North Carolina..... | 302,331 | 155,746 |
| North Dakota..... | 84,291 | 47,270 |
| Ohio..... | 270,635 | 339,041 |
| Oklahoma..... | 146,523 | 98,868 |
| Oregon..... | 108,365 | 102,832 |
| Pennsylvania..... | 341,396 | 364,113 |
| Rhode Island..... | 52,142 | 53,816 |
| South Carolina..... | 170,405 | 87,784 |
| South Dakota..... | 82,462 | 44,520 |
| Tennessee..... | 219,097 | 114,080 |
| Texas..... | 319,792 | 250,756 |
| Utah..... | 63,275 | 45,017 |
| Vermont..... | 63,385 | 44,670 |
| Virginia..... | 211,253 | 150,296 |
| Washington..... | 125,287 | 139,422 |
| West Virginia..... | 167,674 | 98,306 |
| Wisconsin..... | 180,882 | 164,576 |
| Wyoming..... | 54,209 | 53,221 |
| Alaska..... | 49,191 | 25,341 |
| Guam..... | 15,495 | 7,982 |
| Hawaii..... | 55,087 | 55,087 |
| Puerto Rico..... | 168,144 | 86,620 |
| Virgin Islands..... | 11,079 | 5,707 |

STATEMENT BY SENATOR COOPER

EXTENSION OF THE RURAL LIBRARY SERVICES PROGRAM

I have introduced today a bill to extend for 5 additional years the program under the Library Services Act (Public Law 84-597, as amended) which provides Federal matching grants to the States for the extension and improvement of public library service in rural areas. According to its original provisions this highly beneficial program will

expire on June 30, 1961. Extension of the act is needed, first because the full amount of funds authorized under the act has not been appropriated in any of its first 4 years. Consequently the goals for the much-needed development of library services in rural areas will not be reached, and the hopes of the States to carry out their present plans for this work cannot be realized, unless the act is extended.

Second, the rural library services program has proved so worthwhile, means so much to thousands of our rural families, and has been so effective in encouraging better State programs, that I am sure the Congress will want to consider extending the program in any event.

To insure that there will be no interruption in the successful development of this useful program, it is important that the act be extended by this Congress. This would provide time for the States to plan for continuation of their programs without gaps or loss of personnel, and should insure that funds for the program are included in the 1962 budget. I hope this Congress will adopt such an extension, which has the support of the administration, of the American Library Association, and of the State library officials and associations as well as the enthusiastic support of the people it reaches.

Since initiation of the program in 1956, notable progress in improving rural library services has been made. Much, however, remains to be done on behalf of the millions of Americans who still do not have library services available. For example, according to testimony presented at last year's hearings before the Senate Subcommittee on Appropriations by Miss Germaine Krettek of the American Library Association, reports from the States show that 25 million Americans in rural areas with 10,000 population or under have no public library service—and another 50 million receive only substandard service. In fact, there are many whole counties without a single public library. The means should be made available, therefore, to help these people continue to grow in knowledge, to open new fields of interest and opportunity to them, and to provide the flow of information essential to an informed and alert citizenry.

Dr. L. Quincy Mumford, the Librarian of Congress, has observed: "Millions of people, in effect, get little opportunity through their lives to do much reading beyond their school textbooks, their local newspapers, an occasional magazine, and perhaps the mail-order catalogs. For most people the public library is the chief—and sometimes the only—means of carrying on their education after they leave school." The public library, he said rightly, "is the adjunct of our free public-

S. 2761

IN THE SENATE OF THE UNITED STATES

JANUARY 7, 1960

Mr. MORSE introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To validate payments made for certain emergency conservation measures under the program authorized by the Third Supplemental Appropriation Act, 1957.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That payments which have heretofore been made under the
4 program authorized by the Third Supplemental Appropria-
5 tion Act, 1957, under the item entitled "Emergency Con-
6 servation Measures, Agricultural Conservation Program
7 Service", for emergency conservation measures carried out
8 between January 1, 1956, and June 21, 1957, shall, if
9 otherwise proper, not be considered invalid by reason of
10 the fact that they were made for measures carried out prior
11 to the enactment of said Act.

A BILL

To validate payments made for certain emergency conservation measures under the program authorized by the Third Supplemental Appropriation Act, 1957.

By Mr. Morse

JANUARY 7, 1960

Read twice and referred to the Committee on the
Judiciary

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

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HIGHLIGHTS: Sen. Bennett defended Secretary's farm policies. Rep. Cooley introduced sugar bill. Rep. Hoeven and other Reps. submitted measures to establish payment-in-kind program for feed grains. Reps. Wolf and Johnson, Colo., submitted and Rep. Wolf discussed measure to establish U. N. food-for-peace program.

SENATE

2761

1. CONSERVATION PAYMENTS. The Judiciary Committee reported without amendment S. to validate certain payments to farmers for emergency conservation work in Oregon which the Comptroller General has held were not authorized by the Third Supplemental Appropriation Act of 1957, inasmuch as the conservation practices were performed prior to its enactment (S. Rept. 1862). p. 15743
2. ANIMAL IMPORTS. The Judiciary Committee reported without amendment H. R. 10598, to amend and clarify certain provisions of the Criminal Code so as to reduce the hazards arising from the importation of injurious wild animals, to curtail traffic in such species, and to define types of wild animals and methods of transportation to which the code applies (S. Rept. 1883). p. 15744
3. COPYRIGHTS. The Judiciary Committee reported with amendments H. R. 4059, to amend title 28 of the U. S. Code so as to protect copyrights from Government infringement by waiving the sovereign immunity of the U. S. for infringement of copyrights (S. Rept. 1877). p. 15744
4. FARM PROGRAM. Sen. Bennett defended the Secretary's farm policies against recent attacks, stating that "Secretary Benson developed a forward-looking, sound

program to bring sanity to the Department of Agriculture. This program was presented to Congress for its approval, but it was summarily rejected, not once but many times." He inserted excerpts from several newspaper editorials and a statement by the President to support his position, and also inserted a list of agricultural accomplishments from 1953 to 1960 and a speech by Don Paarlberg discussing the farm situation. pp. 15767-72

Sen. Humphrey inserted the speech of Sen. Kennedy to the 12-State Democratic conference, on Aug. 20, at Des Moines, Iowa, a summary of views and suggestions from farmer hearings during the conference, and excerpts from the 1960 Democratic platform and the platform plank on agriculture. pp. 15820-3

5. OLD-AGE ASSISTANCE. Continued debate on H. R. 12580, to provide Federal grants to States for medical care for aged individuals of low income. pp. 15756-65, 15767, 15773-4, 15785-819, 15823-41
6. BREAD PRICES. The Judiciary Committee approved a study by the Anti-trust and Monopoly Subcommittee, "Study of Administered Prices in the Bread Industry." p. D698
7. EXPORT CONTROL. Received from the Secretary of Commerce a quarterly report on export control. p. 15743

HOUSE

8. LIBRARY SERVICES. Passed under suspension of rules, by a division vote of 190 to 29, S. 2830, to amend the Library Services Act so as to extend the appropriation authorization for 5 years. A similar House bill, H. R. 12125, was tabled. (pp. 15865-81) The "Daily Digest" states that this bill will now be sent to the President (p. D698).
9. FOREIGN SERVICE. Passed under suspension of rules S. 2633, to amend the Foreign Service Act relating to Foreign Service staff officers salaries, etc., and to the Foreign Service retirement system (pp. 15881-91). The "Daily Digest" states that this bill was amended and returned to the Senate (p. D698).
10. PERSONNEL. Passed under suspension of rules S. 2575, to provide a health benefits program for certain retired employees of the Government. (pp. 15891-7) The "Daily Digest" states that this bill was amended and returned to the Senate (p. D698).
11. DATES AND WALNUTS. Passed under suspension of rules, by a division vote of 172-54, H. R. 12341, to amend the Agricultural Adjustment Act of 1933 and the Agricultural Marketing Agreement Act of 1937 so as to provide for the extension of the restrictions on imported commodities, imposed by such Acts, to imported shelled walnuts, dates with pits, dates with pits removed, and products made principally of dates. pp. 15901-5
12. GUAM. By a vote of 202 to 151 (2/3 in favor being necessary for passage under suspension of rules) rejected a motion to suspend the rules and pass H. R. 9866, to establish a Federal agricultural service to Guam. pp. 15905-8
13. PUBLIC WORKS APPROPRIATION BILL, 1961. Disagreed to Senate amendments to this bill, H. R. 12326. Conferees were appointed. Senate conferees have been appointed. p. 15843
14. STATE-JUSTICE APPROPRIATION BILL, 1961. Disagreed to Senate amendments to this bill, H. R. 11666. Conferees were appointed. Senate conferees have been appointed. p. 15843

Calendar No. 1933

86TH CONGRESS }
2d Session }

SENATE

{ REPORT
No. 1862

VALIDATING PAYMENTS MADE FOR CERTAIN EMERGENCY CONSERVATION MEASURES

AUGUST 22, 1960.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 2761]

The Committee on the Judiciary, to which was referred the bill (S. 2761) to validate payments made for certain emergency conservation measures under the program authorized by the Third Supplemental Appropriation Act, 1957, having considered the same, reports favorably thereon, without amendment, and recommends that the bill do pass.

PURPOSE

The purpose of the bill is to provide that payments which have heretofore been made under the program authorized by the Third Supplemental Appropriation Act, 1957, under the item entitled "Emergency Conservation Measures, Agricultural Conservation Program Service," for emergency conservation measures carried out between January 1, 1956, and June 21, 1957, shall, if otherwise proper, not be considered invalid by reason of the fact that they were made for measures carried out prior to the enactment of said act.

STATEMENT

The Department of Agriculture favors enactment of this bill.

The Department of Agriculture in its report to the committee on the bill has commented that:

The payments involved were made to farmers for carrying out emergency conservation measures in the Milton-Free-water area of Oregon which had been declared a disaster area due to a freeze which destroyed their orchards, subjecting the land to severe soil erosion. These were made under the program authorized in the Third Supplemental Appropriation Act, 1957 (Public Law 85-58), which contained an item for "Emergency Conservation Measures," in the amount of \$4 million, to remain available through June 30, 1958, as "an additional amount to enable the Secretary to make payments to farmers who carry out emergency conservation measures to control wind erosion on farmlands or to rehabilitate farmlands damaged by wind erosion, floods, hurricanes, and other natural disasters * * *."

The Department took the position that although the disaster creating the conservation problem and the performance of the conservation work by farmers in the affected areas took place prior to the approval of the act, authorization for cost-sharing payments for these measures was in accordance with the intent of Congress. The Department was of the opinion that Public Law 85-58 was in the nature of a supplemental appropriation, provided funds for certain specified purposes as an addition to those appropriated or authorized, and that the funds were provided for the same period as those under the regular appropriation act.

The Comptroller General of the United States in a decision (B-140442) rendered November 24, 1959, has held that Public Law 85-58 created a separate and distinct program, subject to entirely different conditions, and therefore did not authorize payments for emergency conservation measures carried out prior to the date of its enactment. The general effect of this decision was to declare the payments made under Public Law 85-58 prior to its enactment on June 21, 1957, to have been made without legal authority. However, the Comptroller General stated that he would not require recovery from farmers who received otherwise proper payments for emergency conservation measures carried out subsequent to July 1, 1956, the first day of the 1957 fiscal year. This was based on the length of time which had elapsed since the payments had been made and the fact that the payments were made in accordance with regulations issued by the Department which neither the officials making the payments nor the farmers receiving them had any reason to believe were not proper.

The Comptroller General further stated that in the light of the reported fact that the farmers who received payments for measures performed prior to July 1, 1956, were innocent of any wrongful intention, he would not object to holding collection action in abeyance during the next session of

Congress if legislation was desired which would validate the payments. The proposed bill, S. 2761, would validate these payments.

In view of the foregoing circumstances, it appears that legislation is needed to provide equity of treatment of farmers similarly situated with respect to damage to their lands who carried out emergency conservation measures during the period questioned by the Comptroller General. The proposed bill would provide for such treatment by validating the payments for such measures. Therefore, the Department recommends enactment of the bill.

The Comptroller General of the United States has advised the committee as follows:

The bill proposes to validate payments heretofore made under the emergency conservation program authorized by the Third Supplemental Appropriation Act, 1957, for emergency conservation measures carried out between January 1, 1956, and June 21, 1957, the date of enactment of said act. By our decision of November 24, 1959, the B-140442, copy attached, we held that the program established by the cited act did not authorize payments for measures carried out or expenses incurred prior to June 21, 1957, the date of its enactment. However, in view of the equities involved, we stated that we would not require recovery of payments made to the farmers in accordance with the regulations issued by the Department of Agriculture which were retroactive to July 1, 1956. We also stated that we would not object to holding in abeyance collection action on payments made prior to July 1, 1956, if the Department of Agriculture desired to request validating legislation. S. 2761 was introduced to validate all payments made prior to June 21, 1957, the effective date of the Third Supplemental Appropriation Act, 1957.

The question of whether the payments here involved should be validated is a matter of policy for consideration by the Congress. However, the language of S. 2761 is adequate to accomplish its purpose and we have no objection to its enactment.

In introducing the bill, the Honorable Wayne Morse, Senator from Oregon, commented on the Senate floor on January 7, 1960:

Mr. President, I introduce, for appropriate reference, a bill designed to provide equitable relief to Oregon farmers in the Milton-Freewater area who were seriously affected in the freeze of 1955.

The Senate will recall that in the 85th Congress legislation was enacted which did much to enable the farmers and fruit-growers of the area to reestablish themselves and their orchards. Unfortunately, however, a question was raised by the General Accounting Office as to the dates for which payments under Public Law 85-58 could be made. In order to avoid any possible question on this score and in order to make absolutely clear the legislative intent, I re-

quested that the Department of Agriculture provide me with draft legislation which would authorize payments for the emergency conservation measures carried out between January 1, 1956, and June 21, 1957. The bill provides that these payments, if otherwise proper shall not be considered invalid by reason of the fact that they were made for measures carried out prior to the enactment of the public law.

The committee believes in view of all the circumstances that the bill is meritorious and recommends it favorably.

Attached and made a part of this report are (1) a letter, dated February 4, 1960, from the Comptroller General of the United States, and (2) a letter, dated March 2, 1960, from the Department of Agriculture.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, February 4, 1960.

B-140442

HON. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate.

DEAR MR. CHAIRMAN: Your letter of January 26, 1960, acknowledged January 27, transmitted a copy of S. 2761, 86th Congress, and requested our report thereon.

The bill proposes to validate payments heretofore made under the emergency conservation program authorized by the Third Supplemental Appropriation Act, 1957, for emergency conservation measures carried out between January 1, 1956, and June 21, 1957, the date of enactment of said act. By our decision of November 24, 1959, B-140442, copy attached, we held that the program established by the cited act did not authorize payments for measures carried out or expenses incurred prior to June 21, 1957, the date of its enactment. However, in view of the equities involved, we stated that we would not require recovery of payments made to the farmers in accordance with the regulations issued by the Department of Agriculture which were retroactive to July 1, 1956. We also stated that we would not object to holding in abeyance collection action on payments made prior to July 1, 1956, if the Department of Agriculture desired to request validating legislation. S. 2761 was introduced to validate all payments made prior to June 21, 1957, the effective date of the Third Supplemental Appropriation Act, 1957.

The question of whether the payments here involved should be validated is a matter of policy for consideration by the Congress. However, the language of S. 2761 is adequate to accomplish its purpose and we have no objection to its enactment.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., March 2, 1960.

HON. JAMES D. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate.

DEAR SENATOR EASTLAND: This is in reply to your request of January 20, 1960, for a report on S. 2761, to validate payments made for certain emergency conservation measures under the program authorized by the Third Supplemental Appropriation Act, 1957.

We favor the enactment of this bill, which provides that payments made under the item entitled "Emergency Conservation Measures, Agricultural Conservation Program Service," in the Third Supplemental Appropriation Act, 1957, for emergency conservation measures carried out between January 1, 1956, and June 21, 1957, shall, if otherwise proper, not be considered invalid by reason of the fact that they were made for measures carried out prior to the enactment of said act.

The payments involved were made to farmers for carrying out emergency conservation measures in the Milton-Freewater area of Oregon which had been declared a disaster area due to a freeze which destroyed their orchards, subjecting the land to severe soil erosion. These were made under the program authorized in the Third Supplemental Appropriation Act, 1957 (Public Law 85-58), which contained an item for "Emergency Conservation Measures," in the amount of \$4 million, to remain available through June 30, 1958, as "an additional amount to enable the Secretary to make payments to farmers who carry out emergency conservation measures to control wind erosion on farmlands or to rehabilitate farmlands damaged by wind erosion, floods, hurricanes, and other natural disasters * * *".

The Department took the position that although the disaster creating the conservation problem and the performance of the conservation work by farmers in the affected areas took place prior to the approval of the act, authorization for cost-sharing payments for these measures was in accordance with the intent of Congress. The Department was of the opinion that Public Law 85-58 was in the nature of a supplemental appropriation, provided funds for certain specified purposes as an addition to those appropriated or authorized, and that the funds were provided for the same period as those under the regular appropriation act.

The Comptroller General of the United States in a decision (B-140442) rendered November 24, 1959, has held that Public Law 85-58 created a separate and distinct program, subject to entirely different conditions, and therefore did not authorize payments for emergency conservation measures carried out prior to the date of its enactment. The general effect of this decision was to declare the payments made under Public Law 85-58 prior to its enactment on June 21, 1957, to have been made without legal authority. However, the Comptroller General stated that he would not require re-

covery from farmers who received otherwise proper payments for emergency conservation measures carried out subsequent to July 1, 1956, the first day of the 1957 fiscal year. This was based on the length of time which had elapsed since the payments had been made and the fact that the payments were made in accordance with regulations issued by the Department which neither the officials making the payments nor the farmers receiving them had any reason to believe were not proper.

The Comptroller General further stated that in the light of the reported fact that the farmers who received payments for measures performed prior to July 1, 1956, were innocent of any wrongful intention, he would not object to holding collection action in abeyance during the next session of Congress if legislation was desired which would validate the payments. The proposed bill, S. 2761, would validate these payments.

In view of the foregoing circumstances, it appears that legislation is needed to provide equity of treatment of farmers similarly situated with respect to damage to their lands who carried out emergency conservation measures during the period questioned by the Comptroller General. The proposed bill would provide for such treatment by validating the payments for such measures. Therefore, the Department recommends enactment of the bill.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

TRUE D. MORSE, *Acting Secretary.*

○

Calendar No. 1933

86TH CONGRESS
2D SESSION

S. 2761

[Report No. 1862]

IN THE SENATE OF THE UNITED STATES

JANUARY 7, 1960

Mr. MORSE introduced the following bill; which was read twice and referred to the Committee on the Judiciary

AUGUST 22, 1960

Reported by Mr. EASTLAND, without amendment

A BILL

To validate payments made for certain emergency conservation measures under the program authorized by the Third Supplemental Appropriation Act, 1957.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That payments which have heretofore been made under the
4 program authorized by the Third Supplemental Appropria-
5 tion Act, 1957, under the item entitled "Emergency Con-
6 servation Measures, Agricultural Conservation Program
7 Service", for emergency conservation measures carried out
8 between January 1, 1956, and June 21, 1957, shall, if
9 otherwise proper, not be considered invalid by reason of
10 the fact that they were made for measures carried out prior
11 to the enactment of said Act.

86TH CONGRESS
2D Session

S. 2761

[Report No. 1862]

A BILL

To validate payments made for certain emergency conservation measures under the program authorized by the Third Supplemental Appropriation Act, 1957.

By Mr. Morse

JANUARY 7, 1960

Read twice and referred to the Committee on the Judiciary

AUGUST 22, 1960

Reported without amendment

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

Issued Aug. 26, 1960

For actions of Aug. 25, 1960

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HIGHLIGHTS: House received conference report on mutual security appropriation bill. House agreed to conference report on Labor-HEW appropriation bill. Sens. Morse, Clark, and Keating endorsed President's proposal on sugar.

SENATE

1. FORESTRY. Passed without amendment H. R. 9377, to provide for the protection of forest cover for reservoir areas under the jurisdiction of the Secretary of the Army. This bill will now be sent to the President. p. 16358

Sen. Humphrey urged preservation of wilderness areas, and inserted a newspaper article describing the recreational opportunities of northern Minn., particularly the Quentico-Superior canoe region. pp. 16379-80

2. LANDS. Passed without amendment H. R. 900, to provide that 75 percent of all moneys derived by the U. S. from certain recreation activities in connection with lands acquired for flood control and other purposes shall be paid to the States. This bill will now be sent to the President. p. 16358

Passed as reported S. 3339, to authorize the Secretary of Agriculture to transfer 160 acres of the present U. S. Beef Cattle Research Station at Fort Reno, Okla., to the Secretary of the Army for use as a national cemetery. p. 16368

3. PERSONNEL. Passed as reported H. R. 8289, to accelerate the commencing date of civil service retirement annuities to the day after an employee retires rather than the month after he retires. p. 16362
4. CONSERVATION PAYMENTS. Passed without amendment S. 2761, to validate certain payments for farmers for emergency conservation work in Oregon which the Comptroller General has held were not authorized by the Third Supplemental Appropriation Act of 1957, inasmuch as the conservation practices were performed prior to its enactment. p. 16362
5. ANIMAL IMPORTS. Passed without amendment H. R. 10598, to amend and clarify certain provisions of the Criminal Code so as to reduce the hazards arising from the importation of injurious wild animals, to curtail traffic in such species, and to define types of wild animals and methods of transportation to which the code applies. This bill will now be sent to the President. p. 16366
6. COPYRIGHTS. Passed as reported H. R. 4059, to amend title 28 of the U. S. Code so as to protect copyrights from Government infringement by waiving the sovereign immunity of the U. S. for infringement of copyrights. p. 16367
7. MINERALS; LANDS. Passed as reported S. 1670, to provide for the granting of mineral rights in certain homestead lands in Alaska. p. 16369
8. FARM LABOR. Passed over, at the request of Sen. Bartlett, H. R. 12759, to extend the Mexican farm labor program. p. 16368
9. RESEARCH; SURPLUS COMMODITIES. Sen. Mundt was appointed to replace Sen. Hickenlooper as a conferee on S. 690, the industrial-uses research bill. p. 16381
10. SUGAR. Sen. Morse spoke in support of the President's message requesting authority to purchase from other countries 322,000 short tons of sugar which has been allocated to the Dominican Republic, stating that "it is imperative that the Department of Agriculture be relieved of its present obligation to buy sugar from the Dominican Republic" and that "the assignment of quotas in the existing Sugar Act was completely out of line with the political policy the United States has been trying to establish with our neighbors of the Western Hemisphere." Sens. Clark and Keating commended Sen. Morse's statement. pp. 16425-7
Received from this Department a proposed bill to amend and extend the Sugar Act of 1943; to Finance Committee. p. 16332
11. WATER RESOURCES. Passed without amendment S. 3625, to establish a Wabash Basin Interagency Water Resources Commission for the coordination of Federal, State, and local plans for development of water and related resources in the Wabash Basin. pp. 16382-6
12. ALLOTMENTS. Received from this Department a letter reporting on four over-obligations of allotments in the Forest Service. p. 16332
13. IMPORTS. The Finance Committee reported without amendment H. R. 12659, to suspend for a temporary period the import duty on heptanoic acid (S. Rept. 1913). p. 16333

subsections (a) and (b) of this section shall be paid to the District Commissioners and deposited in a revolving fund in the Treasury which is hereby authorized to be established, to be known as the Civil War Centennial Fund, District of Columbia. Such fund shall be used to carry out the purposes of this Act, and may be expended without regard to the laws and procedures applicable to District of Columbia or Federal agencies for the procurement of supplies, services, and property. Contracts may be entered into for the purposes of this Act without regard to applicable District of Columbia or Federal laws or regulations.

(d) The District Commissioners may use any property acquired by the District of Columbia Civil War Centennial Commission remaining upon its termination, or they may dispose of the said property as surplus property. The net revenues, after payment of Commission expenses, derived from Commission activities shall be deposited in the Treasury to the credit of the District of Columbia.

(e) The Commission is authorized to carry public liability insurance protecting the Commission, members, officials, and employees thereof; the United States and the District of Columbia and their officers and employees performing service under this Act, and persons performing voluntary services under provisions of this Act.

SEC. 6. There are hereby authorized to be appropriated such sums as may be necessary, payable in like manner as other appropriations for the expenses of the District of Columbia, to enable the District Commissioners to provide additional municipal services in said District in connection with any program, function, or activity prepared, arranged, supervised, or carried out by the Commission or by the Civil War Centennial Commission established by the joint resolution of September 7, 1959 (71 Stat. 626), including employment of personal services without regard to the civil service and classification laws; travel expenses of law enforcement personnel from other jurisdictions; hire of means of transportation; meals for policemen and firemen, cost of removing and relocating streetcar loading platforms, construction, rent, maintenance, and expenses incident to the operation of temporary public comfort stations, first-aid stations, and information booths, and other incidental expenses in the discretion of the Commissioners.

SEC. 7. The District Commissioners may authorize the Commission to install suitable overhead conductors and install suitable lighting or other electrical facilities, with adequate supports, for illumination or other purposes. If it should be necessary to place wires for illuminating or other purposes over any park or reservation in the District of Columbia, such placing of wires and their removal shall be under the supervision of the official in charge of said park or reservation. Such conductors with their supports shall be removed by the date specified by the said Commissioners or by said official, as the case may be. The said Commissioners, or such other officials as may have jurisdiction in the premises, shall enforce the provisions of this Act, take needful precautions for the protection of the public, and insure that the pavement of any street, sidewalk, avenue, or alley which is disturbed or damaged is restored to its previous condition.

SEC. 8. The regulations and licenses authorized by this Act shall be in full force and effect for such period of time as may be specified by the Commissioners of the District of Columbia. Such regulations shall be published in one or more of the daily newspapers published in the District of Columbia and no penalty prescribed for the violation of any such regulation shall be enforced until three days after such publication. Any person violating any regulation promulgated by the said Commissioners under the au-

thority of this Act shall be fined not more than \$100 or imprisoned for not more than 30 days. Each and every day a violation of any such regulation exists shall constitute a separate offense, and the penalty prescribed shall be applicable to each such separate offense.

SEC. 9. Nothing contained in this Act shall be applicable to the United States Capitol buildings or grounds or other properties under the jurisdiction of the Congress or any committee, commission, or officer thereof: *Provided, however,* That any of the services or facilities authorized by or under this Act shall be made available with respect to any such properties upon request or approval of the Senate and House of Representatives.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PAYMENT OF TUITION OF CERTAIN PERSONS ATTENDING PUBLIC SCHOOLS OF THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (H.R. 7124) to require the payment of tuition on account of certain persons who attend the public schools of the District of Columbia, and for other purposes, which had been reported from the Committee on the District of Columbia, with an amendment, to strike out all after the enacting clause and insert:

That this Act may be cited as the "District of Columbia Nonresident Tuition Act".

SEC. 2 (a) In the case of (1) each adult who attends a public school of the District of Columbia and does not reside in the District of Columbia, and (2) each child who attends such a public school and does not have a parent or guardian who resides in the District of Columbia, or is not an orphan, there shall be paid to the Board of Education the amount fixed by the Board of Education pursuant to subsection (b) of this section.

(b) The amount which shall be paid with respect to each person subject to subsection (a) of this section shall be fixed by the Board of Education with the approval of the Board of Commissioners of the District of Columbia as the amount necessary to cover the expense of tuition and cost of textbooks and school supplies used by such person.

(c) All amounts received by the Board of Education under this section shall be paid into the Treasury of the United States, to the credit of of the District of Columbia.

(d) Notwithstanding the provisions of subsection (a) of this section, upon the submission of evidence satisfactory to the Board of Education that care, custody, and substantial support are supplied by the person or persons with whom that child is residing in the District of Columbia, and that the parent or guardian of such child is unable to supply such care, custody, and support, or that such child is self-supporting, such child shall be considered a resident of the District of Columbia for the purpose of school attendance and exempt from the requirement to pay tuition.

SEC. 3. (a) The Board of Education shall take such action as may be necessary to determine which of the persons, attending or desiring to attend the public schools of the District of Columbia, for whom tuition shall be paid as required by section 2, and said Board is authorized, with the approval of the Commissioners of the District of Columbia, to make regulations to carry out the intent and purposes of this Act.

(b) Any person who makes a statement required or authorized by this Act to be filed

with the Board of Education knowing that the information set forth in such statement is false, shall be fined not more than \$300 or imprisoned for not more than ninety days, or both. Any person violating any regulation made pursuant to the authority in this Act shall be fined not more than \$100 or imprisoned for not more than thirty days.

(c) All prosecutions for violations of this Act, or regulations made pursuant thereto, shall be conducted in the name of the District of Columbia by the Corporation Counsel or any of his assistants. As used in this Act the term "Corporation Counsel" means the attorney for the District of Columbia, by whatever title such attorney may be known, designated by the Board of Commissioners of the District of Columbia to perform the functions prescribed for the Corporation Counsel in this Act.

SEC. 4. As used in this Act—

(1) the term "child" means a person who is less than twenty-one years of age;

(2) the term "orphan" means a child who resides in the District of Columbia and who does not have a living parent or guardian;

(3) the term "adult" means a person who is twenty-one years of age, or older;

(4) the term "guardian" means a person (A) appointed as a guardian for a child by a court of competent jurisdiction, and (B) who has control or custody of such child;

(5) the term "parent" means a person (A) who (i) is a natural parent of a child, (ii) is a stepfather or stepmother of a child, or (iii) has adopted a child, and (B) who has custody or control of such child; and

(6) the term "Board of Education" means the Board of Education of the District of Columbia.

SEC. 5. (1) Nothing in this Act shall be construed so as to affect the authority vested in the Commissioners of the District of Columbia by Reorganization Plan Numbered 5 of 1952 (66 Stat. 824). The performance of any function vested by this Act in the Commissioners of the District of Columbia or in any office or agency under the jurisdiction and control of said Commissioners may be delegated by said Commissioners in accordance with section 3 of such plan.

(2) This Act shall not be construed as superseding the Act approved April 23, 1958 (72 Stat. 98), and such Act approved April 23, 1958, shall continue in full force and effect.

SEC. 6. The following provisions of law are repealed:

(1) The last paragraph under the heading "Public Schools" in the Act of March 3, 1899, as amended (D.C. Code, sec. 31-301).

(2) The last paragraph under the side heading "Miscellaneous" which follows the center heading "Public Schools" in the Act of July 21, 1914 (D.C. Code, sec. 31-302).

(3) The last paragraph under the side heading "Miscellaneous" which follows the center heading "Public Schools" in the Act of March 3, 1915 (D.C. Code, sec. 31-303).

(4) The second paragraph under the center heading "Public Schools" in the Act of March 28, 1918 (D.C. Code, sec. 31-304).

(5) The last paragraph under the heading "Capital Outlay" which follows the center heading "Public Schools" in the Act of June 28, 1944 (D.C. Code, sec. 31-305).

(6) The last paragraph under the heading "Capital Outlay" which follows the center heading "Public Schools" in the Act of June 29, 1949 (D.C. Code, sec. 31-306).

SEC. 7. Nothing contained in this Act shall be construed as preventing the Board of Education from requiring students of the District of Columbia Teachers College to pay tuition, and the said Board is authorized, in its discretion, to require the payment of tuition by the students of such college, whether or not resident in the District of Columbia, with the exception of those students who are authorized to be excused from the payment of tuition by an Act other than this Act.

SEC. 8. This Act shall take effect on the first day of the school semester which commences at least sixty days after the date of enactment of this Act.

Mr. BEALL. Mr. President, I offer an amendment to the committee amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Maryland will be stated.

The LEGISLATIVE CLERK. On page 8, line 8, in the committee amendment, it is proposed to strike the word "that" and insert in lieu thereof the word "a."

Mr. BEALL. Mr. President, this is a typographical error, and the amendment is a correction of that error.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ACCELERATION OF COMMENCEMENT DATE OF CIVIL SERVICE RETIREMENT ANNUITIES

The Senate proceeded to consider the bill (H.R. 8289) to accelerate the commencing date of civil service retirement annuities, and for other purposes, which had been reported from the Committee on Post Office and Civil Service with an amendment, and subsequently reported from the Committee on the District of Columbia with an additional amendment.

The amendment of the Committee on Post Office and Civil Service was, on page 4, after line 18, to insert a new section, as follows:

SEC. 3. Section 4(3) of the Federal Employees Health Benefits Act of 1959 (73 Stat. 711; 5 U.S.C. 3003(3)) is amended by adding at the end thereof the following: "Any employee organization as defined in section 2(1) shall be exempt from the provisions of the Fire and Casualty Act (54 Stat. 1063; D.C. Code 35-1301, and the following)."

The amendment was agreed to.

The amendment of the Committee on the District of Columbia was, on page 4, after line 18, to strike out the amendment of the Committee on Post Office and Civil Service, which was to insert the following new section:

The amendment was agreed to.

SEC. 3. Section 4(3) of the Federal Employees Health Benefits Act of 1959 (73 Stat. 711; 5 U.S.C. 3003(3)) is amended by adding at the end thereof the following: "Any employee organization as defined in section 2(1) shall be exempt from the provisions of the Fire and Casualty Act (54 Stat. 1063; D.C. Code 35-1301, and the following)."

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS PASSED OVER

The bill (S. 3269) authorizing the Secretary of the Navy to convey certain

property to the State of Hawaii, was announced as next in order.

Mr. BARTLETT. Mr. President, over by request.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3299) to provide for the conveyance to the State of Maine of certain lands located in such State, was announced as next in order.

Mr. BARTLETT. Mr. President, over by request.

The PRESIDING OFFICER. The bill will be passed over.

CONVEYANCE OF CERTAIN PROPERTY TO THE CITY OF BISMARCK, N. DAK.

The bill (S. 1663) directing the Secretary of the Interior to convey certain property in the State of North Dakota to the city of Bismarck, N. Dak., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to clear the title to the property hereinafter described the Secretary of the Interior is authorized and directed to convey by quitclaim deed, without consideration, to the city of Bismarck, North Dakota, all right, title, and interest of the United States in and to the following described tract of land, together with all buildings and other improvements thereon, situated in the city of Bismarck, North Dakota:

Part of the southeast quarter of section 5, township 138, range 80, beginning at the southeast corner of such section, thence due west for 1,786 feet, thence north 25 degrees and 46 minutes west a distance of 1,122.5 feet, thence north 66 degrees and 39 minutes west a distance of 454.9 feet, thence north 33 degrees and 22 minutes west a distance of 679 feet, thence north 25 degrees and 24 minutes west a distance of 610 feet, thence around a 30-degree 49-minute curve to the right a distance of 374.4 feet, thence due east 66 feet south of the quarter line of such section 5 a distance of 1,103 feet, thence due south a distance of 1,214 feet, and thence due east a distance of 1,220 feet, and thence due south a distance of 1,360 feet to the point of beginning.

VALIDATION OF PAYMENTS MADE FOR CERTAIN EMERGENCY CONSERVATION MEASURES

The bill (S. 2761) to validate payments made for certain emergency conservation measures under the program authorized by the Third Supplemental Appropriation Act, 1957, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That payments which have heretofore been made under the program authorized by the Third Supplemental Appropriation Act, 1957, under the item entitled "Emergency Conservation Measures, Agricultural Conservation Program Service", for emergency conservation measures carried out between January 1, 1956, and June 21, 1957, shall, if otherwise proper, not be considered invalid by reason of the fact that they were made for measures carried out prior to the enactment of said Act.

NELLIE V. LOHRY

The bill (S. 3040) for the relief of Nellie V. Lohry was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Nellie V. Lohry of Ashland, Nebraska, the sum of \$3,000. The payment of such sum shall be in full settlement of all her claims against the United States for payment of an additional amount for certain property purchased from the said Nellie V. Lohry and Fred H. Lohry (deceased), pursuant to an option signed by them on November 14, 1941, by the United States in connection with the construction of an Army ordnance plant, such option having been exercised by the United States notwithstanding a previous attempt made on behalf of the said Nellie V. Lohry and the said Fred H. Lohry (deceased) by the project officer acquiring such property to have such option withdrawn on the grounds that it did not adequately reflect the value of the property: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

COMPACT BETWEEN THE STATES OF ARIZONA AND NEVADA

The bill (S. 3433) giving the consent of Congress to a compact between the State of Arizona and the State of Nevada establishing a boundary between those States, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to the compact between the States of Arizona and Nevada as contained in chapter 69, law of the State of Arizona, 1960 (senate bill numbered 203, twenty-fourth legislature assembled, approved by the Governor March 24, 1960), and chapter 119, Nevada Revised Statutes 1960 (senate bill numbered 121, passed by the 1960 Legislature of the State of Nevada and approved by the Governor March 9, 1960) establishing a boundary between the States of Arizona and Nevada on the Colorado River between the point where the Nevada-California State line intersects the thirty-fifth degree of latitude north and Davis Dam.

SEC. 2. The right to alter, amend or repeal this Act is expressly reserved.

A. E. WATERSTRADT

The bill (S. 3591) for the relief of A. E. Waterstradt, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any period of limitations or lapse of time, claim for credit or refund of overpayment of income taxes for the taxable years 1942 to 1945, inclusive, made by A. E. Waterstradt, of Takoma Park, Maryland, may

86TH CONGRESS
2D SESSION

S. 2761

IN THE HOUSE OF REPRESENTATIVES

AUGUST 26, 1960

Referred to the Committee on Agriculture

AN ACT

To validate payments made for certain emergency conservation measures under the program authorized by the Third Supplemental Appropriation Act, 1957.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That payments which have heretofore been made under the
4 program authorized by the Third Supplemental Appropria-
5 tion Act, 1957, under the item entitled "Emergency Con-
6 servation Measures, Agricultural Conservation Program
7 Service", for emergency conservation measures carried out
8 between January 1, 1956, and June 21, 1957, shall, if
9 otherwise proper, not be considered invalid by reason of

- 1 the fact that they were made for measures carried out prior
- 2 to the enactment of said Act.

Passed the Senate August 25 (legislative day, August 24), 1960.

Attest:

FELTON M. JOHNSTON,

Secretary.

AN ACT

To validate payments made for certain emergency conservation measures under the program authorized by the Third Supplemental Appropriation Act, 1957.

AUGUST 26, 1960

Referred to the Committee on Agriculture

Aug. 29, 1960

8. IMPORTS. Senate and House conferees were appointed on H.R. 12659, to suspend for a temporary period the import duty on heptanoic acid. pp. 16884, 16951
9. FOREIGN SERVICE. Both Houses agreed to the conference report on S. 2633, to amend the Foreign Service Act of 1946 relating to Foreign Service Staff officers and to the Foreign Service retirement system (pp. 16884-5, 16929-31). This bill will now be sent to the President.
10. LANDS; SOIL SURVEY. Received from Interior a report that an adequate soil survey and land reclassification has been made of the lands in the La Feria division, lower Rio Grande rehabilitation project, Tex., and that the lands to be irrigated are susceptible to the production of agricultural crops. p. 16864
11. FORESTS. Agreed to a request by Sen. McGee to have printed as a Senate document a report being prepared by the Forest Service at his request, "National Forests in Wyoming - Basic Facts." p. 16877
12. LEGISLATIVE PROGRAM. Sen. Mansfield announced that the following bills have been cleared for consideration, if time permits, within the next few days: H. R. 12759, to extend the Mexican farm labor program, and S. 3421, to amend the Federal Employees' Group Life Insurance Act so as to provide authority for the Civil Service Commission to determine claimants if no claim is filed for benefits. pp. 16908-9

HOUSE

13. MILK PRICE SUPPORTS. The Agriculture Committee reported without amendment S. 2917, to increase the price-support level for manufacturing milk and butterfat for the remainder of the current marketing year, from the date of enactment of the bill until Mar. 31, 1961, to not less than \$3.22 per hundredweight for manufacturing milk and not less than 59.6 cents per pound for butterfat (H. Rept. 2182). p. 16989
14. SUGAR. The Agriculture Committee reported with amendment H.R. 13062, to extend the Sugar Act of 1948 (H. Rept. 2200). p. 16989
15. PERSONNEL. Agreed to a Senate amendment to S. 2575, to provide a health benefits program for certain retired employees of the Government. This bill will now be sent to the President. pp. 16931-2
16. PUBLIC HEALTH. Agreed to the conference report on H. R. 6871, to amend the Public Health Service Act so as to authorize project grants for graduate training in public health. This bill will now be sent to the President. p. 16932
17. PUBLIC LAW 480; CONSERVATION PAYMENTS. The Agriculture Committee voted to report (but did not actually report) the following bills: p. D732
S. 2761, to validate certain payments for farmers for emergency conservation work in Oregon which the Comptroller General has held were not authorized by the Third Supplemental Appropriation Act of 1957, inasmuch as the conservation practices were performed prior to its enactment;
H. R. 12720 (amended), to amend the Agricultural Trade Development and Assistance Act of 1954.
18. WATERSHEDS. The Agriculture Committee approved watershed projects in Colo., Ca., Hawaii, Miss., N. Mex., Md., Okla., and Va. p. D732
The Public Works Committee approved three watershed projects in Okla., and one in Mich. p. 16926

19. LANDS; MINERALS. The Interior and Insular Affairs Committee reported the following bills: p. 16989
S. 1670, with amendment, to provide for the granting of mineral rights in certain homestead lands in Alaska (H.Rept. 2192);
S. 2757, with amendment, to supplement the Act of June 14, 1926, to permit any State to acquire certain public lands for recreation use (H. Rept. 2194);
S. 3267, with amendment, to amend the act of Oct. 17, 1940, relating to the disposition of certain public lands in Alaska (H. Rept. 2196).
20. FARM PROGRAM. Rep. Chamberlain inserted an article, "Where the Blame Really Belongs", which places the blame for agricultural surpluses on "programs inherited by this administration, plus new programs that had to be initiated by this administration to offset inherited problems." p. 16951
Rep. Rhodes, Ariz., criticized the Democratic platform statement on farm policy and inserted "19...efforts and accomplishments of President Eisenhower to cope effectively with the farm problem..." pp. 16953-4
Rep. Randall criticized this Department and the administration for "further lowering of price supports, removal of production controls and additional public funds for research and education" and urged development of a "farm program which permits farmers to gear their production to available markets and reduces Government costs." p. 16967
21. BEEF AND PORK IMPORTS. Rep. Wolf criticized administration of the Reciprocal Trade Agreements Act particularly in respect to the importing of red meat, stating that the "intent of the framers of this law is being violated because of... a misunderstanding of the purpose of the act." pp. 16968-9
22. SOIL BANK. Rep. Smith, Ia., criticized the soil bank program, and in particular a proposal to extend it to include an additional 60 or 70 million acres, stating that to achieve the objectives stated in the proposal 133 million acres would be required. In addition he stated that "vast resources of the Department of Agriculture for analyzing programs and making estimates are being wasted by only projecting the views that coincide with conclusions of the Secretary and the President." pp. 16969-70
23. WHEAT. Rep. Latta criticized Congress for not passing his wheat proposal which would "authorize the Secretary of Agriculture to remove marketing quotas and controls from the production of any class of wheat whenever, prior to June 1 of any year, he determines that the production of such class will not exceed the estimated normal supply by less than a given percentage fixed by Congress." p. 16987

ITEMS IN APPENDIX

24. SOIL CONSERVATION; PERSONNEL. Extension of remarks of Rep. Jensen paying tribute to "the memory of one of our greatest Americans, Hugh Hammond Bennett, man of the soil." p. A6469
25. WATER RESEARCH. Sen. Yarborough inserted an article, "Solar Distillery Problem Solved--Will Reduce Cost of Making Water from Sea Drinkable." pp. A6470-1
26. RURAL DEVELOPMENT. Extension of remarks of Sen. Scott inserting this Department's letter to the Senate Banking and Currency Committee and stating that it gives a "State by State breakdown of the excellent progress being made under this program." pp. A6477-8
27. SUGAR. Rep. Flood inserted an article, "Bounty Held Key to Crisis in Sugar--Financial Experts Say That Juggling of Quotas is an Impractical Method." pp. A6500-1

Aug 30, 1960

Authorizes the President to reduce the quantity of non quota sugar purchased from any country against which collective economic sanctions are agreed to by the United States and other countries, pursuant to treaty, provided that a majority (as defined in the treaty) of such countries implement such sanctions, and with respect to 1960, do so before October 15, 1960. Also provides that if sugar purchases are required from any countries not having quotas, preference shall be given to those countries agreeing to purchase United States agricultural commodities.

9. PRICE SUPPORTS; MILK. The Rules Committee reported a resolution for consideration of S. 2917, to increase the price-support level for manufacturing milk and butterfat for the remainder of the current marketing year, from the date of enactment of the bill until Mar. 31, 1961, to not less than \$3.22 per hundred-weight for manufacturing milk and not less than 59.6 cents per pound for butterfat. p. 17185
10. FORESTRY. Passed without amendment S. J. Res. 209, providing for the establishment of an annual National Forest Products Week. This bill will now be sent to the President. pp. 17101-2
 Passed as reported H. R. 11917, to authorize the Secretary of Agriculture to convey a tract of forest land in Lassen County, Calif., to the city of Susanville. p. 17111
 Passed without amendment H. R. 12491, to authorize the Secretary of Agriculture to convey a tract of forest land to the county of Fremont, Wyo. p. 17112
 Passed without amendment S. 2959, to clarify the right of States to select certain public lands subject to any outstanding mineral lease or permit (pp. 17115-6). This bill will now be sent to the President. A similar bill, H. R. 10102 was tabled.
11. SURPLUS COMMODITIES. Passed without amendment S. 3146, to authorize CCC to donate dairy products and other agricultural commodities for use in home economics courses. This bill will now be sent to the President. p. 17112
12. ACREAGE ALLOTMENTS. Passed with amendment S. 3533, to protect farm and ranch operators making certain land use changes under the Great Plains conservation program against loss of acreage allotments. Agreed to an amendment by Rep. Poage to substitute the language of H. R. 12849. p. 17134
13. CONSERVATION. Passed without amendment S. 2761, to validate payments made for emergency conservation measures under the program authorized by the Third Supplemental Appropriation Act, 1957, which were carried out prior to enactment of the Act. The bill had been reported without amendment earlier in the day by the Agriculture Committee (H. Rept. 2204). This bill will now be sent to the President. pp. 17134, 17185
14. ELECTRIFICATION. Rep. Nelsen defended the administration against charges that it has not supported the REA program sufficiently, and Rep. McCormack and several others discussed this matter with him. pp. 17143-5
15. MILK MARKETING. Rep. Stratton defended Federal Milk Marketing Order No. 27 against criticisms which have recently been directed toward it. pp. 17165-7
 Rep. Pirnie spoke against a proposal for a congressional investigation of the Order, in view of the fact that the Department has appealed a recent decision of a district court. He inserted the court decision in the Record. pp. 17174-7.

16. FARM PROGRAM. Rep. Randall discussed the farm problem and recommended production control through payment-in-kind and allotments. pp. 17167-8
17. TAXATION. Received the conference report on H. R. 10960, to amend the Internal Revenue Code with respect to the excise tax on cigars. The conferees agreed to the Senate amendment permitting farmers to write off as an annual expense of operation the purchase of lime and fertilizer, with technical amendments. (H. Rept. 2214). pp. 17177-9
18. IMPORTS. Received the conference report on H. R. 12659, to suspend for a temporary period the import duty on heptanoic acid. The conferees agreed to the Senate amendment clarifying the law regarding free importation of certain water-proof fabrics. (H. Rept. 2212). pp. 17180-1
19. RECLAMATION. The Interior and Insular Affairs Committee reported with amendment S. 1092, to authorize the Cheny division, Wichita reclamation project (H. Rept. 2202), and S. 2195, to authorize the Dalles reclamation project (H. Rept. 2203). p. 17185
20. FOREIGN AID. The Rules Committee reported a resolution for consideration of H. R. 13021, to authorize assistance for development of Latin America and in reconstruction of Chile. p. 17185
21. FISH AND WILDLIFE. The conferees agreed to file a report on H. R. 2565, to promote fish and game conservation and rehabilitation in military reservations. p. D739
22. GRAIN STORAGE; PRICE SUPPORTS. The Government Operations Committee approved the following reports: "Commodity Credit Corporation Grain Storage Activities"; and "Price Support and Production Adjustment Activities" (p. D738). The Committee was granted permission to file these reports by midnight Wed., Aug. 31 (p. 17115).
23. INFORMATION. The Government Operations Committee approved a report, "Executive Branch Practices in Withholding Information From Congressional Committee," p. D738
24. WATERSHEDS. The Agriculture Committee approved work plans for watershed projects in Tex., Okla., Md., Va., N. Mex., Miss., Hawaii, Ga., and Colo. p. 17090
25. PASSED OVER the following bills:
 - H. R. 8074, to provide for the assignment of Agricultural Attaches to duty in the U. S. for 4 years without reduction in grade. p. 17170
 - H. R. 12419, to provide for advance consultation with the Fish and Wildlife Service and State wildlife agencies before beginning any Federal program involving the use of pesticides or other chemicals for mass biological controls. p. 17170
 - H. R. 6743, to provide for certain survivors' annuities in additional cases under the Civil Service Retirement Act. p. 17111
 - S. 2919, to provide for a study and investigation of the desirability and feasibility of establishing and maintaining a national tropical botanic garden. p. 17111

object and if he wants me to, I will explain briefly the two amendments.

Mr. AVERY. Mr. Speaker, I further reserve the right to object, in order that the gentleman from Arkansas, Mr. MILLS, may explain both these amendments. I yield to the gentleman from Arkansas.

Mr. MILLS. The gentleman is correct in his observation with respect to the first amendment. The gentleman from Kansas [Mr. AVERY] had introduced a bill, H.R. 12103, which was referred to the Committee on Ways and Means, on which the committee received favorable reports from the Department of Commerce, the Department of Labor, the Department of State, as well as an informative report from the Tariff Commission, having to do with the free importation of certain equipment desired by Kansas State University in connection with the construction of a mill, of a type not produced in the United States, to replace one that had been burned some years ago. That is the amendment the gentleman introduced.

There is a second amendment having to do with housing for a research and development installation of the Atomic Energy Commission, to accommodate some people who have been transferred to that facility from the Huntsville, Ala., facility. I have taken occasion to discuss this amendment with members of the Committee on Banking and Currency and those with whom I have discussed it all agreed to it, including the gentleman from California [Mr. McDONOUGH]; the gentleman from Kentucky [Mr. SPENCE]; and the gentleman from Alabama [Mr. RAINS].

Mr. AVERY. Mr. Speaker, in view of the explanation of the gentleman from Arkansas, I withdraw my reservation of objection.

Mr. BAILEY. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman. Mr. BAILEY. Does this proposed legislation involve the setting aside of import duties?

Mr. MILLS. Only with respect to certain articles that are being brought into the United States by Kansas State University in connection with the construction of a type of milling operation that they have, and which is not commercially produced domestically. It consists of the importation of articles, according to the report of the Senate Finance Committee, that are not competitive here in the United States.

Mr. BAILEY. Does the gentleman mean that the article is not produced in the United States?

Mr. MILLS. Not commercially produced; that is the information given us.

Mr. BAILEY. Over the past week I have patiently waited and have seen these standing committees clear all of their legislation that has accumulated throughout the year, including the gentleman's own committee, the Committee on Interstate and Foreign Commerce and the Committee on Agriculture. Yet most of the major legislation that I am interested in is resting quietly in the Committee on Rules. For some reason or other I have not been able to get con-

sideration of them, without someone wanting to object. I have no intention of objecting to this particular piece of legislation but I hope the gentleman does not have any more to offer that has to do with bringing articles in on the free list.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

(Mr. MILLS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MILLS. Mr. Speaker, as Members of the House will recall in the form in which H.R. 11573 passed the House of Representatives, its purpose was to permit the duty-free entry of an electron microscope for the use of William Marsh Rice University of Houston, Tex., and an electron microscope for the use of the University of Colorado Medical Center, Denver, Colo. It may be recalled that these universities had procured from abroad these highly specialized microscopes for use in connection with their highly technical research and educational activities.

The Senate added two amendments to the House bill, as follows:

First, a Senate Finance Committee amendment would authorize the Secretary of the Treasury to admit free of duty grain milling equipment and appurtenances imported for the use of Kansas State University in the building being constructed for the department of flour and feed milling industries at that university. As was the case with respect to the highly specialized electron microscopes covered under the House bill, it was felt that the burden of duty should not be added to the cost of the equipment in this instance. According to the report of the Senate Finance Committee, several foreign countries are supplying the various technical parts for the grain mill and a considerable portion is being donated free of charge thus making it possible for the university to embark on a research and educational program for the improvement of the milling industry.

I should point out that there was pending before the Committee on Ways and Means a bill on this subject by our colleague, the Honorable WILLIAM AVERY. The Committee on Ways and Means has received favorable reports on this House bill, H.R. 12103, from the Department of Commerce, the Department of Labor, and the Department of State, as well as an informative report from the U.S. Tariff Commission. It is pointed out in the report of the Department of Labor that the experimental flour mill at the Kansas State University was destroyed by fire several years ago and that the replacement contemplated by the university would be a mill of a type not produced commercially in the United States.

The second amendment added by the Senate was a floor amendment sponsored by Senator ANDERSON, which amends section 809(g) of the National Housing Act. As explained by the sponsor, the amendment is designed to afford housing at the research and development installation of the Atomic Energy Commission

in Los Alamos County, N. Mex. It was stated that when the Huntsville, Ala. station was transferred to Los Alamos it was found that employees could not provide their own housing and that a survey and report indicated that additional housing should be provided in the same fashion that housing was provided in Huntsville, Ala.

Mr. Speaker, I recognize that it is unusual for an amendment to the National Housing Act to be added as an amendment to a tariff bill since the tariff bill is of course within the jurisdiction of the Ways and Means Committee and the National Housing Act, of course, is within the jurisdiction of the Committee on Banking and Currency. I therefore took occasion to confer with the chairman and certain members of the Banking and Currency Committee of the House to insure that they would have no objection to handling this amendment in this manner.

Senator ANDERSON stated on the floor of the Senate that he had cleared the matter with the Senate Banking and Currency Committee before he offered the amendment.

(Mr. MASON (at the request of Mr. MILLS) was given permission to extend his remarks at this point in the RECORD.)

Mr. MASON. Mr. Speaker, I have concurred in the request of the chairman of the Committee on Ways and Means that the House accept the Senate amendments to H.R. 11573.

It will be recalled that this legislation as it passed the House provided for the importation of highly specialized electron microscope equipment by two U.S. universities.

The Senate in approving this legislation added two amendments. The first of these amendments provides for the duty-free importation of certain equipment by Kansas State University for a pilot-plant grain and flour milling installation. The second Senate amendment is to the National Housing Act and affects the development for housing for certain employees at Los Alamos.

Mr. Speaker, both of these amendments are meritorious and it is appropriate that they should have been approved by the House.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

JURISDICTION OF U.S. DISTRICT COURTS IN CERTAIN ACTIONS

Mr. FORRESTER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 12622) to amend chapter 85 of title 28 of the United States Code relating to the jurisdiction of the U.S. district courts, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chap-

ter 85 of title 28 of the United States Code is amended—

(a) By adding at the end thereof the following new section:

"§ 1361. ACTION TO COMPEL AN OFFICER OF THE UNITED STATES TO PERFORM HIS DUTY.

"The district courts shall have original jurisdiction of any action to compel an officer or employee of the United States or any agency thereof to perform his duty."

(b) By adding at the end of the table of sections for chapter 85 of title 28 of the United States Code the following:

"1361. Action to compel an officer of the United States to perform his duty."

SEC. 2. Section 1391 of title 28 of the United States Code is amended by adding at the end thereof the following new subsection:

"(e) A civil action in which each defendant is an officer or employee of the United States or any agency thereof acting in his official capacity or under color of legal authority, or an agency of the United States, may be brought in any judicial district where a plaintiff in the action resides, or in which the cause of the action arose, or in which any property involved in the action is situated.

"The summons and complaint in such an action shall be served as provided by the Federal Rules of Civil Procedure except that the delivery of the summons and complaint to the officer or agency as required by the rules may be made by certified mail beyond the territorial limits of the district in which the action is brought."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

House Resolution 584 was laid on the table.

PROTECT FARM AND RANCH OPERATORS MAKING CERTAIN LAND USE CHANGES

Mr. POAGE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 3533) to protect farm and ranch operators making certain land use changes under the Great Plains conservation program against loss of acreage allotments.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. POAGE. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. POAGE: Strike out all after the enacting clause and insert the provisions of H.R. 12849, as follows: "That section 16 of the Soil Conservation and Domestic Allotment Act of 1938, as amended, is amended as follows:

"(1) Paragraph (3) of subsection (b) is amended to read as follows:

"(3) insofar as the acreage of cropland on any farm enters into the determination of acreage allotments and marketing quotas under the Agricultural Adjustment Act of 1938, as amended, the cropland acreage on the farm shall not be decreased during the period of any contract heretofore or hereafter entered into under this subsection by reason of any action taken for the purpose of carrying out such contract and, under regulations of the Secretary, shall not be decreased, for such period after the expiration of the contract as is equal to the period

of the contract, by reason of the maintenance of any change in land use from cultivated cropland to permanent vegetation carried out under the contract;".

"(2) Paragraph (4) of subsection (b) is amended to read as follows:

"(4) the acreage on any farm which is determined under regulations of the Secretary to have been diverted from the production of any commodity subject to acreage allotments or marketing quotas in order to carry out any contract heretofore or hereafter entered into under the program or in order to maintain, for such period after the expiration of the contract as is equal to the period of the contract, any change in land use from cultivated cropland to permanent vegetation carried out under the contract shall be considered acreage devoted to the commodity for the purposes of establishing future State, county, and farm acreage allotments under the Agricultural Adjustment Act of 1938, as amended."

"SEC. 2. Section 112 of the Soil Bank Act, as amended, is amended as follows:

"(1) Paragraph (1) is amended to read as follows:

"(1) insofar as the acreage of cropland on any farm enters into the determination of acreage allotments and marketing quotas under the Agricultural Adjustment Act of 1938, as amended, the cropland acreage on the farm shall not be decreased during the period of any contract heretofore or hereafter entered into under this subtitle by reason of any action taken for the purpose of carrying out such contract and, under regulations of the Secretary, shall not be decreased, for such period after the expiration of the contract as is equal to the period of the contract, by reason of the maintenance of any change in land use from cultivated cropland to permanent vegetation carried out under the contract;".

"(2) Paragraph (2) is amended to read as follows:

"(2) the acreage on any farm which is determined under regulations of the Secretary to have been diverted from the production of any commodity subject to acreage allotments or marketing quotas in order to carry out any contract heretofore or hereafter entered into under this subtitle or in order to maintain, for such period after the expiration of the contract as is equal to the period of the contract, any change in land use from cultivated cropland to permanent vegetation carried out under the contract shall be considered acreage devoted to the commodity for the purposes of establishing future State, county, and farm acreage allotments under the Agricultural Adjustment Act of 1938, as amended."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EMERGENCY CONSERVATION MEASURES

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2761) to validate payments made for certain emergency conservation measures under the program authorized by the Third Supplemental Appropriation Act, 1957.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

Mr. MCINTIRE. Reserving the right to object, Mr. Speaker, may I say that this is a bill passed by the other body,

and reported out unanimously by the House Committee on Agriculture.

I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That payments which have heretofore been made under the program authorized by the Third Supplemental Appropriation Act, 1957, under the item entitled "Emergency Conservation Measures, Agricultural Conservation Program Service", for emergency conservation measures carried out between January 1, 1956, and June 21, 1957, shall, if otherwise proper, not be considered invalid by reason of the fact that they were made for measures carried out prior to the enactment of said Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SUBCOMMITTEE NO. 3, HOUSE COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. DAVIS of Georgia. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the Record and include a progress report made by Subcommittee No. 3 of the House Committee on the District of Columbia on the bill (S. 1456) to provide for the appointment of two additional judges for the juvenile court of the District of Columbia, and also to include the letter of transmittal accompanying it.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

[The matter referred to appears in the Appendix.]

SPECIAL ORDER VACATED

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent to vacate the special order granted me for today that I requested on yesterday.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

UNEMPLOYMENT

(Mr. BAILEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BAILEY. Mr. Speaker, I have asked this time today in order to call the attention of my colleagues to misleading information contained in an Associated Press dispatch of yesterday commenting on a campaign booklet issued by the Republican National Committee boasting about our great national prosperity.

I want to refer to the "Operations Voracity" group of Republican Members of Congress the following article, under a Charleston, W. Va., dateline, in which the Federal Department of Employment

VALIDATING PAYMENTS MADE FOR CERTAIN EMERGENCY CONSERVATION MEASURES

AUGUST 30, 1960.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. COOLEY, from the Committee on Agriculture, submitted the following

REPORT

[To accompany S. 2761]

The Committee on Agriculture to whom was referred the bill (S. 2761) to validate payments made for certain emergency conservation measures under the program authorized by the Third Supplemental Appropriation Act, 1957, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

The purpose of this bill is to clarify congressional intent with respect to certain emergency conservation payments authorized in the Third Supplemental Appropriation Act, 1957, which has been construed by the General Accounting Office in a manner different from the understanding and intent of the Congress and the Department of Agriculture. A full explanation of the need for the legislation is contained in the Senate report on the bill which is appended hereto and made a part of this report.

[S. Rept. 1862, 86th Cong., 2d sess.]

The Committee on the Judiciary, to which was referred the bill (S. 2761) to validate payments made for certain emergency conservation measures under the program authorized by the Third Supplemental Appropriation Act, 1957, having considered the same, reports favorably thereon, without amendment, and recommends that the bill do pass.

PURPOSE

The purpose of the bill is to provide that payments which have heretofore been made under the program authorized by the Third Supplemental Appropriation Act, 1957, under the item entitled "Emergency Conservation Measures, Agricultural Conservation Program Service," for emergency conservation measures carried out between January 1, 1956, and June 21, 1957, shall, if otherwise proper, not be considered invalid by reason of the fact that they were made for measures carried out prior to the enactment of said act.

STATEMENT

The Department of Agriculture favors enactment of this bill.

The Department of Agriculture in its report to the committee on the bill has commented that:

The payments involved were made to farmers for carrying out emergency conservation measures in the Milton-Free-water area of Oregon which had been declared a disaster area due to a freeze which destroyed their orchards, subjecting the land to severe soil erosion. These were made under the program authorized in the Third Supplemental Appropriation Act, 1957 (Public Law 85-58), which contained an item for "Emergency Conservation Measures," in the amount of \$4 million, to remain available through June 30, 1958, as "an additional amount to enable the Secretary to make payments to farmers who carry out emergency conservation measures to control wind erosion on farmlands or to rehabilitate farmlands damaged by wind erosion, floods, hurricanes, and other natural disasters * * *."

The Department took the position that although the disaster creating the conservation problem and the performance of the conservation work by farmers in the affected areas took place prior to the approval of the act, authorization for cost-sharing payments for these measures was in accordance with the intent of Congress. The Department was of the opinion that Public Law 85-58 was in the nature of a supplemental appropriation, provided funds for certain specified purposes as an addition to those appropriated or authorized, and that the funds were provided for the same period as those under the regular appropriation act.

The Comptroller General of the United States in a decision (B-140442) rendered November 24, 1959, has held that Public Law 85-58 created a separate and distinct program, subject to entirely different conditions, and therefore did not authorize payments for emergency conservation measures carried out prior to the date of its enactment. The general effect of this decision was to declare the payments made under Public Law 85-58 prior to its enactment on June 21, 1957, to have been made without legal authority. However, the Comptroller General stated that he would not require recovery from farmers who received otherwise proper

payments for emergency conservation measures carried out subsequent to July 1, 1956, the first day of the 1957 fiscal year. This was based on the length of time which had elapsed since the payments had been made and the fact that the payments were made in accordance with regulations issued by the Department which neither the officials making the payments nor the farmers receiving them had any reason to believe were not proper.

The Comptroller General further stated that in the light of the reported fact that the farmers who received payments for measures performed prior to July 1, 1956, were innocent of any wrongful intention, he would not object to holding collection action in abeyance during the next session of Congress if legislation was desired which would validate the payments. The proposed bill, S. 2761, would validate these payments.

In view of the foregoing circumstances, it appears that legislation is needed to provide equity of treatment of farmers similarly situated with respect to damage to their lands who carried out emergency conservation measures during the period questioned by the Comptroller General. The proposed bill would provide for such treatment by validating the payments for such measures. Therefore, the Department recommends enactment of the bill.

The Comptroller General of the United States has advised the committee as follows:

The bill proposes to validate payments heretofore made under the emergency conservation program authorized by the Third Supplemental Appropriation Act, 1957, for emergency conservation measures carried out between January 1, 1956, and June 21, 1957, the date of enactment of said act. By our decision of November 24, 1959, the B-140442, copy attached, we held that the program established by the cited act did not authorize payments for measures carried out or expenses incurred prior to June 21, 1957, the date of its enactment. However, in view of the equities involved, we stated that we would not require recovery of payments made to the farmers in accordance with the regulations issued by the Department of Agriculture which were retroactive to July 1, 1956. We also stated that we would not object to holding in abeyance collection action on payments made prior to July 1, 1956, if the Department of Agriculture desired to request validating legislation. S. 2761 was introduced to validate all payments made prior to June 21, 1957, the effective date of the Third Supplemental Appropriation Act, 1957.

The question of whether the payments here involved should be validated is a matter of policy for consideration by the Congress. However, the language of S. 2761 is adequate to accomplish its purpose and we have no objection to its enactment.

In introducing the bill, the Honorable Wayne Morse, Senator from Oregon, commented on the Senate floor on January 7, 1960:

Mr. President, I introduce, for appropriate reference, a bill designed to provide equitable relief to Oregon farmers in the Milton-Freewater area who were seriously affected in the freeze of 1955.

The Senate will recall that in the 85th Congress legislation was enacted which did much to enable the farmers and fruit-growers of the area to reestablish themselves and their orchards. Unfortunately, however, a question was raised by the General Accounting Office as to the dates for which payments under Public Law 85-58 could be made. In order to avoid any possible question on this score and in order to make absolutely clear the legislative intent, I requested that the Department of Agriculture provide me with draft legislation which would authorize payments for the emergency conservation measures carried out between January 1, 1956, and June 21, 1957. The bill provides that these payments, if otherwise proper shall not be considered invalid by reason of the fact that they were made for measures carried out prior to the enactment of the public law.

The committee believes in view of all the circumstances that the bill is meritorious and recommends it favorably.

Attached and made a part of this report are (1) a letter, dated February 4, 1960, from the Comptroller General of the United States, and (2) a letter, dated March 2, 1960, from the Department of Agriculture.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, February 4, 1960.

B-140442

HON. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate.

DEAR MR. CHAIRMAN: Your letter of January 26, 1960, acknowledged January 27, transmitted a copy of S. 2761, 86th Congress, and requested our report thereon.

The bill proposes to validate payments heretofore made under the emergency conservation program authorized by the Third Supplemental Appropriation Act, 1957, for emergency conservation measures carried out between January 1, 1956, and June 21, 1957, the date of enactment of said act. By our decision of November 24, 1959, B-140442, copy attached, we held that the program established by the cited act did not authorize payments for measures carried out or expenses incurred prior to June 21, 1957, the date of its enactment. However, in view of the equities involved, we stated that we would not require recovery of payments made to the farmers in accordance with the regulations issued by the Department of Agriculture which were retroactive to July 1, 1956. We also stated that we would not object to holding in abeyance collection action on payments made prior to July 1, 1956, if the Department of Agriculture desired to request validating legislation. S. 2761 was introduced to validate all pay-

ments made prior to June 21, 1957, the effective date of the Third Supplemental Appropriation Act, 1957.

The question of whether the payments here involved should be validated is a matter of policy for consideration by the Congress. However, the language of S. 2761 is adequate to accomplish its purpose and we have no objection to its enactment.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., March 2, 1960.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate.

DEAR SENATOR EASTLAND: This is in reply to your request of January 20, 1960, for a report on S. 2761, to validate payments made for certain emergency conservation measures under the program authorized by the Third Supplemental Appropriation Act, 1957.

We favor the enactment of this bill, which provides that payments made under the item entitled "Emergency Conservation Measures, Agricultural Conservation Program Service," in the Third Supplemental Appropriation Act, 1957, for emergency conservation measures carried out between January 1, 1956, and June 21, 1957, shall, if otherwise proper, not be considered invalid by reason of the fact that they were made for measures carried out prior to the enactment of said act.

The payments involved were made to farmers for carrying out emergency conservation measures in the Milton-Freewater area of Oregon which had been declared a disaster area due to a freeze which destroyed their orchards, subjecting the land to severe soil erosion. These were made under the program authorized in the Third Supplemental Appropriation Act, 1957 (Public Law 85-58), which contained an item for "Emergency Conservation Measures," in the amount of \$4 million, to remain available through June 30, 1958, as "an additional amount to enable the Secretary to make payments to farmers who carry out emergency conservation measures to control wind erosion on farmlands or to rehabilitate farmlands damaged by wind erosion, floods, hurricanes, and other natural disasters * * *".

The Department took the position that although the disaster creating the conservation problem and the performance of the conservation work by farmers in the affected areas took place prior to the approval of the act, authorization for cost-sharing payments for these measures was in accordance with the intent of Congress. The Department was of the opinion that Public Law 85-58 was in the nature of a supplemental appropriation, provided funds for certain specified purposes as an addition to those appropriated or authorized, and that the funds were provided for the same period as those under the regular appropriation act.

The Comptroller General of the United States in a decision (B-140442) rendered November 24, 1959, has held that Public Law 85-58 created a separate and distinct program, subject to entirely different conditions, and therefore did not authorize payments for emergency conservation measures carried out prior to the date of its

enactment. The general effect of this decision was to declare the payments made under Public Law 85-58 prior to its enactment on June 21, 1957, to have been made without legal authority. However, the Comptroller General stated that he would not require recovery from farmers who received otherwise proper payments for emergency conservation measures carried out subsequent to July 1, 1956, the first day of the 1957 fiscal year. This was based on the length of time which had elapsed since the payments had been made and the fact that the payments were made in accordance with regulations issued by the Department which neither the officials making the payments nor the farmers receiving them had any reason to believe were not proper.

The Comptroller General further stated that in the light of the reported fact that the farmers who received payments for measures performed prior to July 1, 1956, were innocent of any wrongful intention, he would not object to holding collection action in abeyance during the next session of Congress if legislation was desired which would validate the payments. The proposed bill, S. 2761, would validate these payments.

In view of the foregoing circumstances, it appears that legislation is needed to provide equity of treatment of farmers similarly situated with respect to damage to their lands who carried out emergency conservation measures during the period questioned by the Comptroller General. The proposed bill would provide for such treatment by validating the payments for such measures. Therefore, the Department recommends enactment of the bill.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

TRUE D. MORSE, *Acting Secretary.*

○

Union Calendar No. 998

86TH CONGRESS
2D SESSION

S. 2761

[Report No. 2204]

IN THE HOUSE OF REPRESENTATIVES

AUGUST 26, 1960

Referred to the Committee on Agriculture

AUGUST 30, 1960

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

AN ACT

To validate payments made for certain emergency conservation measures under the program authorized by the Third Supplemental Appropriation Act, 1957.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That payments which have heretofore been made under the
4 program authorized by the Third Supplemental Appropria-
5 tion Act, 1957, under the item entitled "Emergency Con-
6 servation Measures, Agricultural Conservation Program
7 Service", for emergency conservation measures carried out
8 between January 1, 1956, and June 21, 1957, shall, if
9 otherwise proper, not be considered invalid by reason of

- 1 the fact that they were made for measures carried out prior
2 to the enactment of said Act.

Passed the Senate August 25 (legislative day, August 24), 1960.

Attest:

FELTON M. JOHNSTON,

Secretary.

Union Calendar No. 998

86TH CONGRESS
2d Session

S. 2761

[Report No. 2204]

AN ACT

To validate payments made for certain emergency conservation measures under the program authorized by the Third Supplemental Appropriation Act, 1957.

AUGUST 26, 1960

Referred to the Committee on Agriculture

AUGUST 30, 1960

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Public Law 86-790
86th Congress, S. 2761
September 14, 1960

AN ACT

74 STAT. 1028.

To validate payments made for certain emergency conservation measures under the program authorized by the Third Supplemental Appropriation Act, 1957.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That payments which have heretofore been made under the program authorized by the Third Supplemental Appropriation Act, 1957, under the item entitled "Emergency Conservation Measures, Agricultural Conservation Program Service", for emergency conservation measures carried out between January 1, 1956, and June 21, 1957, shall, if otherwise proper, not be considered invalid by reason of the fact that they were made for measures carried out prior to the enactment of said Act.

Conservation pro-
gram.
Validation of pay-
ments.
71 Stat. 176.

Approved September 14, 1960.

